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SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR

HEARING

BEFORE THE

SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE

EIGHTY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

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CONTENTS

	Page
Index-----	I
Testimony of Roy M. Cohn, chief counsel, Senate Permanent Subcommittee on Investigations-----	1858



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HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

WEDNESDAY, JUNE 2, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF
THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:12 a. m., pursuant to recess, in the caucus room of the Senate Office Building, Senator Karl E. Mundt, chairman, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will please come to order.

The Chair would like to welcome the guests who have come to the committee room this morning. I assure you that we are pleased to have you here, and I want to tell those of you who are here for the first time about our standing committee rule to the effect that there are to be no manifestations audibly of approval or disapproval at any time, of any kind, by any member of the audience. The uniformed officers you see before you and the plainclothes men scattered through the audience have standing instructions from the committee to remove from the committee room immediately, firmly but politely, any member of the audience who violates the terms under which he entered the committee room; namely, to refrain completely from audible manifestation of approval or disapproval.

Our audiences have been uniformly cooperative and courteous. Our guards and plainclothes men have been splendid. We hope that arrangement will continue.

At the conclusion of the day's hearings yesterday, we had just dismissed Mrs. Mary Driscoll from the stand. Mr. Cohn is back on the stand. He has been sworn. We had started around the interrogatory wheel and the chairman and Senator McClellan had each had 10 minutes in which to question Mr. Cohn, so the next 10 minutes the Chair believes should go to Senator Dirksen. We will start with him. Senator Dirksen.

TESTIMONY OF ROY M. COHN—Resumed

Senator SYMINGTON. Mr. Chairman.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. A parliamentary inquiry, Mr. Chairman.

Senator MUNDT. You may state it, Senator Symington.

Senator SYMINGTON. What is the situation with respect to the monitored calls?

Senator MUNDT. Counsel advises me that he has now received—from all Senators or from all Senators but one?

Mr. JENKINS. All Senators except one, Mr. Chairman.

Senator MUNDT. All Senators except one have told him that they are ready to vote their monitored calls into the record.

Mr. JENKINS. That is not what I meant to say, Mr. Chairman. What I meant to say is that we now have in our possession all of the monitored calls between the members of this committee and Mr. Stevens and Mr. Adams. I think physically the monitored calls of one Senator are not in our possession, but as I understand it, they are perhaps ready to be delivered to us.

Senator SYMINGTON. Mr. Chairman.

Senator MUNDT. Senator Symington.

Senator SYMINGTON. I must say I don't see what the monitored calls of the Senators have to do with the question of whether or not we put into the record the monitored calls of the principals in this case, and therefore if you would receive a motion I would move that the monitored calls of the principals in this case be made a matter of public record. I say that because I notice that you felt in one press story that we were on the way toward homeplate in these hearings and it has been some 5 weeks. That would be a motion if you would care to put it to the committee.

Senator DIRKSEN. Mr. Chairman, may I make an inquiry of Senator Symington?

Senator MUNDT. Senator Dirksen.

Senator DIRKSEN. That applies only to the monitored calls between the principals and the Army or anybody else.

Senator SYMINGTON. If I may say to my distinguished friend and colleague, the junior Senator from Illinois, I have signed a statement saying that any monitored calls of mine can be put into the record if the counsel believes that they are pertinent to this issue. I don't think that the members of this committee are here to try or to defend any situation, but I am certainly very glad to have my calls put in if they would expedite putting all the calls of the principals into the public record.

Senator MUNDT. I wonder if you would be willing to amend your motion, then, to include all the monitored calls in the possession of

the counsel, which includes a number of monitored calls between members of this committee and the principals.

Senator SYMINGTON. If the chairman feels that all the calls of all the members of this committee should be put in in order to obtain for the information of the people all calls, then I would be glad to amend my motion that way.

Senator MUNDT. I think that would be more satisfactory and more equitable.

Senator McCLELLAN. Mr. Chairman, a parliamentary inquiry. What became of the motion originally adopted by this committee to put them all in? What has happened to that? I thought it still prevailed.

Senator MUNDT. It does.

Senator McCLELLAN. I just wanted to know.

Senator MUNDT. This will be restating what we had stated once before. The chairman has no objection to restating it, as far as he is concerned. But the original motion is still on the record and still prevails.

Senator SYMINGTON. Mr. Chairman, another parliamentary inquiry. Yesterday, it was my understanding that the minority counsel would be allowed to look at the Schine records after the hearing was over yesterday. He was available but he has not yet been shown the records. He was available this morning and he was not shown the records.

Could I ask the chairman if there is any change in the agreement of yesterday and, if not, why is there a delay in allowing the records to be shown to the minority counsel?

Mr. COHN. Perhaps I can best answer that, sir.

Senator MUNDT. The Chair certainly has no light on that. He has not seen the records.

Mr. Cohn?

Mr. COHN. Mr. Chairman, yesterday during the hearing, we had a staff member looking at those records and going through them and trying to tab those parts which would give away the name of confidential informants, people that furnished the committee with information. This morning I had hoped to come over a little bit early and work with Mr. Maner of Mr. Jenkins' staff. Mr. Maner was here early. I came in a little late. By the time I came in, Mr. Kennedy had left, apparently. But nevertheless Mr. Maner and I spent a few minutes. We have the files out on the table. I am sure that at the earliest possible moment, during the noon hour or during the afternoon today, we can start going through these things. If there is any fault for being late, that fault is mine, sir. I am sorry.

Senator MUNDT. In the noon hour, Mr. Kennedy may join you, as I understand it?

Mr. COHN. If the committee directs that he be there.

Senator JACKSON. Mr. Chairman, my understanding was that Mr. Kennedy was available last night and waited until after 7. He understood he was to be here this morning at 9. He was here before 9 and waited, I believe, all during the 9 to 10 hour. Mr. Cohn or someone from his side was not available. I think that it is important that we dispose of this matter in accordance with the agreement which is in the record of yesterday, so we can get the memoranda in the files so we can ask questions. We are now in the 10-minute go around. I invite the

Chair's attention to the fact that the committee will save a lot of time if we have the monitored calls and the memoranda referred to. Otherwise, as I will point out to the Chair, we will have to take up these items separately, and cannot integrate them into our questioning in connection with our cross-examination. It is in the interest of orderly procedure that I earnestly enjoin the Chair in disposing of both of these two matters without delay.

Senator MUNDT. On the second matter, I understood that the noon hour today would be devoted to that purpose. Mr. Kennedy may join Mr. Maner and Mr. Cohn, or whoever represents Mr. Cohn's position, in going through the remaining evidence in order to bring back whatever additional data there is in conformity with our request. On the first matter, the Chair has heard a motion which has not been seconded. He will be very happy to have the motion discussed as soon as it is seconded. But Senator Symington has made a motion which he now understands to read substantially as follows:

That we more or less reaffirm the McClellan motion by stating that all of the monitored calls in the possession of the counsel, both between the principals and between the principals and the committee members, should be introduced into the record.

Senator McCLELLAN. I second the motion. I think that is the improper way to do it, however. But in order to get them in the record, I will second the motion. The proper way to put them into the record is to call the man that monitored them, put him under oath and let him swear those are the calls.

Senator MUNDT. The Chair would believe that under the Symington motion that would be the procedure to be followed.

Senator SYMINGTON. I would like to revise my motion to include the thought of Senator McClellan.

Senator MUNDT. The Chair would certainly assume that we would put them in under those circumstances, yes. You have heard the motion read and seconded, is there any discussion?

If not, the Chair is ready to put the question. Those in favor signify by saying—

Mr. COHN. Mr. Chairman, excuse me, sir. I do have one point about this. This goes back to the very first meeting when we signed a consent with reference to these calls, and that is this: Senator McCarthy said the first time this matter ever came up—and I am quoting from what he said in connection with Senator McClellan's motion:

I want them all in and I want this whole picture laid clear on the table. I want everything that Bob Stevens or anyone in the military said to any Senator, anyone in the administration or anywhere else in regard to this investigation, made a part of the record so we would get a complete picture.

When I first met with Mr. Horowitz, of Mr. Jenkins' staff, and with a representative of Mr. Welch, there were certain calls very relevant to this controversy which I knew about which were missing. I asked that those be produced and given to Mr. Jenkins' staff. I refer specifically to a call between Mr. Stevens and myself on September 28, calls between Mr. Stevens and Mr. Adams concerning the relieving of General Lawton and speaking to Senator McCarthy about that on November 24 and November 25, and some others.

I wonder if I might inquire, Mr. Chairman, whether or not those calls have been produced so we will know whether we are going to get all the calls here or whether we are going to get a selection of calls?

Mr. JENKINS. Mr. Chairman.

Senator MUNDT. The counsel would have to answer that question. The Chair has not seen the calls.

Mr. JENKINS. Mr. Horowitz advises me just now that the calls to which Mr. Cohn has referred have not been forthcoming.

Mr. COHN. Have not been?

Mr. JENKINS. Have not been.

Mr. COHN. Sir, I would object, then, if I may, to the introduction of any calls unless we are going to get all the calls. I think, sir, that it is very important that we get the complete thing here and not a selection made by somebody of what they would like to get in, and a withholding of other very relevant calls to our case.

Senator MUNDT. The counsel has advised the Chair that he has no objection. If the Senators insist, we can do it now, but the counsel has advised the Chair that he would like to have an executive committee meeting called, at which he could present the relevant calls which they have now sifted out of the 34 that they have and in which we could discuss them.

I simply pass that out for the information of my colleagues. The Chair is perfectly willing to discuss it here, but he does feel that we should, if possible, continue with the interrogatory of the witness.

Senator McCLELLAN. Mr. Chairman, may I make this observation. If you are going to continue with interrogatories of the witness, that is all right, but when you get through with the witness still these calls have got to go in the record, and he will have to be called back and questioned about it. It is a question of whether you want to expedite it by getting them in here now, if they can be gotten in. If they are going to be objected to, if we can't get them in, if someone is going to try to keep them out such as we have, such as we can get, let's find out who it is and we will know who it is. Then the committee can determine whether they are going to put them in anyhow, or whether they are not. Let's settle it.

Senator JACKSON. Mr. Chairman.

Senator MUNDT. Senator Jackson?

Senator JACKSON. I think we should dispose of this matter, because obviously the subject of the monitored phone calls would necessarily have to be used in cross-examination. I would like to ask questions on them. Why recall the witness? We have Mr. Cohn here now, and there are other witnesses that we are going to recall because we have delayed this. It makes it very difficult.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. The Chair is agreeable to settle the matter now.

Senator McCarthy?

Senator McCARTHY. Perhaps I could save you some time. I have taken the position that we would consent to the monitored calls being introduced even though they were illegally taken, if all calls were introduced. There will be no consent unless all calls are introduced—period.

Senator DIRKSEN. Mr. Chairman.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Mr. Chairman, it appears to me that this is an appropriate time to address a question to Mr. Welch and to Mr. St.

Clair. Where are the calls that Mr. Cohn refers to and why have they not been provided to committee counsel?

Senator MUNDT. Mr. Welch, can you tell us why some of the calls have not been submitted and why some of them have been selected?

Mr. WELCH. Since this case began, we have had the Presidential order about communications within the executive department at high level. That Executive order prevents our producing or introducing in evidence calls between, let us say, Secretary Stevens and General Lawton. That is the only place that I know of at the moment where that directive impinges.

Senator MUNDT. How about the calls between Secretary Stevens and Mr. Adams?

Mr. WELCH. The call between you and Secretary Stevens must have been produced, Mr. Cohn.

Mr. COHN. I say, sir, Mr. Welch, that it was not produced.

Mr. WELCH. Then it must have been a call that was not monitored. All monitored calls between the Secretary and you, as far as I know—as you know, Mr. Cohn, I have not dealt with it personally.

Mr. COHN. I know that, Mr. Welch.

Mr. WELCH. But it is my understanding, sir, that every monitored call between the parties on the one side and the parties of the other as well as monitored calls between the parties and Senators have been produced and submitted to counsel.

Mr. COHN. No, sir; they have not been because I know—I understood that Mr. Stevens monitored all calls certainly with parties in interest in this case, and with Senators on this committee. I know, sir, of certain specific conversations which I had with Mr. Stevens which were not produced. I traced back the date on one of them. I have found it to be the morning of September 28. No monitoring of that call has been produced as far as I know, sir. I asked for it.

Mr. JENKINS. Mr. Chairman.

Senator MUNDT. Mr. Jenkins.

Mr. JENKINS. May I make a constructive suggestion?

Senator MUNDT. Yes, sir.

Mr. JENKINS. That we proceed with the cross-examination of Mr. Cohn, that we have Mr. Welch call Mr. Lucas, and bring Mr. Lucas back and put him under oath and let him tell us precisely what calls have been delivered to us and which calls have been withheld, and then we can thresh this question out.

Senator McCLELLAN. Mr. Chairman, that is what I was going to suggest. Here is a contention that all the calls that were monitored have not been submitted.

Mr. COHN. That is right.

Senator McCLELLAN. Mr. Lucas knows. He will either testify correctly or incorrectly about it, and I am willing to take his testimony as far as I am concerned as to whether they have all been produced or not.

Mr. COHN. Sir—

Senator MUNDT. I think that is a constructive suggestion and if it is agreeable to the maker of the motion and the seconder, we will hold the motion in abeyance until we have had an opportunity to do that.

Senator SYMINGTON. Mr. Chairman.

Mr. JENKINS. Will Mr. Welch have someone call Mr. Lucas and have Mr. Lucas come to the committee room?

Mr. WELCH. I would be happy to. First I would count it a courtesy of Mr. Cohn if he would tell me the date or dates on which he thinks there may be monitored calls.

Mr. COHN. Very well, sir. I am giving it to you from memory here, Mr. Welch. I will check back.

September 28, 1953, in the morning, a call between Mr. Stevens and myself.

Senator JACKSON. Where were you at the time?

Mr. COHN. I was in this room, sir.

Senator JACKSON. In the caucus room?

Mr. COHN. Yes, sir; in the caucus room. The call came during the hearing. That is September 28.

There was a date later in October which was missing. I would have to check that and give it to you, Mr. Welch. We also want, sir, which is certainly vital to our case here and will be very revealing, No. 1, the call between Secretary Stevens and General Lawton on October 2, 1953, which Mr. Stevens testified about in this hearing; calls between Mr. Stevens and Mr. Adams with reference to representations to be made to Senator McCarthy.

On November 24 and November 25, 1953. Those are some which occur to me offhand, Mr. Welch. There might be some others. I will try to get you a list as fast as I can.

Mr. WELCH. Mr. Chairman, as to the last two, Mr. Cohn is as fully aware as I am of the impingement of the Executive order on those two calls.

Mr. COHN. No, sir.

Mr. WELCH. And may I say, Mr. Cohn, in respect to the other calls, as they often say I could speak freely since I don't know what I am talking about, it could have been, of course, that you called the Secretary and reached him at some office in the Pentagon which was not his own office so that there could have been a call not monitored. I am not suggesting that that is true. I am not merely suggesting, but I am promising you, sir, that Mr. Lucas will produce in this room every monitored call that we have between you and the Secretary.

Mr. COHN. Yes, sir, and I want to make it very clear, Senator Mundt, from our standpoint, sir, I want to make it very clear, as far as I am concerned, we consider these calls on General Lawton as probably the most relevant things in these proceedings, and we certainly believe that those are included in Senator McCarthy's original statement that he wanted all the calls to go in, sir. And I am sure, from my standpoint, and I haven't talked to the Senator about this, and I don't know how he feels, but I would certainly say, if there is going to be a selection and a withholding here, I don't think that that would be fair to all parties in this case.

Senator MUNDT. Mr. Welch, may the Chair inquire whether you have made a specific request of the Attorney General as to whether the three calls that seem to be in controversy are or are not covered by the Executive order? It is entirely possible that they are not, because the Executive order does provide that pertinent information between the principals might be available.

Mr. WELCH. The answer, sir, is that I have not.

Senator MUNDT. Would you do that between now and the afternoon session?

Mr. WELCH. What I would like to have done is to have your office or you do that, if you would, Mr. Chairman.

Senator McCLELLAN. Mr. Chairman?

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. I suggest that the Chair or counsel for the committee immediately take up the matter, get the calls identified which Mr. Cohn and Senator McCarthy are interested in, get them identified, take it up with the Attorney General or the proper authority—I don't know who it is—and urge them to waive any directive against them. Let's get them in the record. I am for you getting them in the record, and I will do everything I can to help you get them into the record. I think they ought to be in here. I hope the administration won't take a position, unless they actually deal with national security, I hope it will not take a position of keeping those calls out. I don't believe they deal with national security. They may be pertinent to the issues here, and I think they should be, if the committee can get them, they should be in the record.

Senator MUNDT. May the Chair recapitulate the situation as he sees it and senses it. No. 1, we are to get from Mr. Cohn and/or Mr. McCarthy, the specific calls in which they are interested, that they would like to have included in the record.

No. 2, we will then bring in Mr. Lucas to determine whether or not he has monitors of those calls.

No. 3, we will then ask our counsel to interview the Attorney General with a specific request that, if possible, the Executive order be construed so as not to preclude the entrance of that information into the record to the end that all of the monitored calls which are pertinent and available under those terms can then be entered chronologically in the record.

That is the situation.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. This may be a bit novel, but I want to say that I heartily agree with what Senator McClellan just said.

Senator MUNDT. Are we all in agreement, then, if this procedure can be worked out, if the Attorney General is able to give us the assurance that Senator McClellan has suggested, that we have found the procedure and the method to put these monitored phone calls in. Is there any other objection now? Either voice it now or never, please.

All right, we will proceed on that basis.

Senator DIRKSEN, interrogate the witness.

Senator DIRKSEN. Mr. Cohn, from time to time, questions have been raised concerning the military background and experience of some of the witnesses who have been before the committee.

Mr. COHN. Yes, sir.

Senator DIRKSEN. For the purpose of an all-inclusive record, would you like to recite at this point what your own military experience was?

Mr. COHN. Yes, sir. I am currently a first lieutenant in the New York National Guard. I joined that in 1948 as a private. I now hold the rank of first lieutenant.

Senator DIRKSEN. So you had 6 years of service?

Mr. COHN. Well, I have been in the National Guard 6 years, sir. It has not been active service.

Senator DIRKSEN. I was going to say 6 years of service.

Mr. COHN. Yes, sir, I have.

Senator DIRKSEN. In the New York National Guard, beginning with a private, and at present your rank is that of a second lieutenant?

Mr. COHN. First lieutenant, sir.

Senator DIRKSEN. I assume that involves camp duty in the course of a year?

Mr. COHN. It involves field training, sir.

Senator DIRKSEN. Field training?

Mr. COHN. Yes, sir.

Senator DIRKSEN. Questions have been raised from time to time concerning the induction of Private G. David Schine into the service, and I thought somewhere along the line I caught an overtone that at one time or another he had been rejected in selective service.

Mr. COHN. Yes, sir.

Senator DIRKSEN. That question, of course, could be addressed to Private Schine if he occupies the witness stand, but I assume from your association with him that you would have some knowledge of it.

Do you?

Mr. COHN. Yes, sir.

Senator DIRKSEN. Would you then like to recite at this point in the record what that particular element is?

Mr. COHN. Yes, sir. He, from what I know about it, Senator Dirksen, enlisted in the Army Transport Service back some years ago. He served in that for about a year here and overseas. When he had a draft physical after that, sir, he was found physically disqualified, placed in 4-F; his case was reopened back last summer and as a result of that he has been inducted.

Senator DIRKSEN. Roughly, about what year was it that he was put in a 4-F status?

Mr. COHN. I don't know the exact year, Senator Dirksen; it was a number of years ago.

Senator DIRKSEN. Now, Mr. Cohn, your official position with the committee is that of chief counsel?

Mr. COHN. Yes, sir.

Senator DIRKSEN. I think it might be well to describe for the record what you esteem to be your duties in that capacity.

Mr. COHN. Yes, sir.

Senator McCARTHY. Senator Dirksen, I wonder if you would yield for a minute. I think perhaps in fairness to Mr. Schine, in view of the fact that you brought up the physical disability, Mr. Cohn should describe what that is.

Mr. COHN. What the physical disability is, sir?

As far as I know, it is a herniated disc which he has in his back.

Senator McCARTHY. A slipped disc in his back?

Mr. COHN. Yes, sir. Senator, on the question of my duties, I would say, sir, it is just about everything. We have a very small group of men downstairs, and there is no clear line of demarcation between what one does and what the other might do. I, as counsel, examine wit-

nesses on occasion at the hearings. I help set up the hearings. I help in the investigative work. I do just about everything, I would say, sir.

Senator DIRKSEN. From time to time, Mr. Cohn, the question has been raised concerning the jurisdiction of the Permanent Investigating Committee in carrying on its operations in the field that it has pursued for quite some time.

Mr. COHN. Yes, sir.

Senator DIRKSEN. Are you familiar with the jurisdiction of the committee?

Mr. COHN. Yes, sir.

Senator DIRKSEN. You have familiarized yourself with the recital in the Senate rule book which indicates the jurisdiction of the committee as defined in the Legislative Reorganization Act of 1946?

Mr. COHN. I have, sir.

Senator DIRKSEN. Would you recite for the record what you esteem to be the jurisdiction of the committee, and not only the reason but its purpose in pursuing this line of investigatory work?

Mr. COHN. Very well.

As I understand it, sir, under the Legislative Reorganization Act, this committee, the parent committee, has the obligation of investigating the efficiency of the operation of Government agencies at every level, from a standpoint of economy, efficiency, and other things bearing on whether or not executive agencies are doing their job and doing their job properly.

In other words, it is sort of a watchdog of the executive. In addition to that, sir, this committee is charged with the obligation of investigating from the same standpoint of efficiency and economy the relations between the Federal Government and State governments to whom the Federal Government might contribute, to international organizations of which the Federal Government might be a member.

In other words, from a broad standpoint, Senator Dirksen, I believe the jurisdiction of the committee is to act as a watchdog on the executive, to bring out publicly, instances in which the executive has been inefficient, has failed in its duty, has not acted on a case, instances which would show lack of economy, lack of efficiency, laxity of various types.

Fitting it in directly, sir, of course we have gone into instances wherein corruption or communism, executive agencies have failed to take action on FBI reports and things of that kind. That is roughly the way I understand the jurisdiction of the committee.

Senator DIRKSEN. Would you interpret that jurisdiction also, inasmuch as the rule provides that the committee is empowered to study the relationships between the United States and the international organizations in which it is a member?

Mr. COHN. Yes, sir.

Senator DIRKSEN. That this same line of work might extend into that field, also?

Mr. COHN. Yes, sir, definitely. I think it has an express mandate.

Senator DIRKSEN. Now with respect to the particular matter that is before us, how do you interpret the constitutional provision which gives Congress the power to provide and raise armies and navies and to provide for rules and regulations for the governing of armies and navies?

Mr. COHN. I think, sir, there is no doubt that this committee has not only jurisdiction but has an obligation under its powers to investigate Communist infiltration or any other type of malfeasance in the military.

Senator DIRKSEN. That is the interpretation that has guided your endeavors as chief counsel of the committee?

Mr. COHN. Yes, sir, and I have never heard any objection raised to the jurisdictional point.

Senator DIRKSEN. Now, Mr. Cohn, let me recur for a moment to the original charge of improper influence.

Mr. COHN. Yes, sir.

Senator DIRKSEN. Have you considered and have you an opinion as to your idea of what might constitute improper influence in a situation such as that which is presently confronting the committee?

Mr. COHN. Sir, it is a little hard for me to reconstruct. I know what I did and what I said and what other people on the staff did and said, and I know, sir, that there was nothing improper in this or in any other case. I don't know what Mr. Stevens and Mr. Adams could have in mind. I listened to their testimony here, sir, and all I can say is, we certainly did nothing improper, and I don't know what they were after.

Senator DIRKSEN. In your answer, Mr. Cohn, of course you make in effect a categorical denial of the charges, for one thing; and secondly, you assert reason and motive for the making of the charges.

Mr. COHN. Yes, sir.

Senator DIRKSEN. In effect, of course, your allegation of the reason for the charges in your answer is in essence a charge of interference on the part of the executive branch in the affairs of the legislative branch.

Mr. COHN. That is right, sir.

Senator DIRKSEN. You investigated the files in the State Department?

Mr. COHN. We did, sir.

Senator DIRKSEN. Did you encounter a comparable situation there of any interference?

Mr. COHN. We did, sir, at one point.

Senator DIRKSEN. To what extent?

Mr. COHN. To this extent, sir: There was a witness who appeared before the committee and testified. He was a State Department employee. After he left the stand and went back to his job, he found his job was no longer there; that he had been taken from a fairly good job, handling investigations, with a desk and an office, and sent back, so to speak, pounding the pavement and doing work that one who had just entered the Foreign Service might do. When those matters were called to the attention of this committee, Senator Dirksen, the committee called before it Gen. Walter Bedell Smith, the Under Secretary of State. When the situation was explained to General Smith, General Smith said anything that smacks of retribution or reprisal against a person who has been cooperating with the committee is wrong, and I believe that General Smith ordered the reinstatement of that employee who had testified before this committee.

Senator DIRKSEN. In behalf of the committee, Mr. Cohn, you also initiated an investigation of the Voice of America?

Mr. COHN. Yes, sir.

Senator DIRKSEN. Did you encounter any interference on that occasion or in the course of that investigation?

Mr. COHN. Sir, offhand I would say insofar as our operations here in Washington are concerned in our dealings with Dr. Johnson, who was the Administrator during a good part of the investigation, no, sir.

Senator MUNDT. The Senator's time has expired.

Senator JACKSON?

Senator JACKSON. Mr. Cohn, I believe you graduated from law school at a very early age. Twenty? Is that correct?

Mr. COHN. I was 20, sir, yes.

Senator JACKSON. You had to wait a year before you could take the bar because of the law requirements of the State of New York?

Mr. COHN. It wasn't quite a year, sir. I believe it was—

Senator JACKSON. I mean 21.

Mr. COHN. Yes, sir.

Senator JACKSON. When you got out of law school you went to work in the district attorney's office?

Mr. COHN. Yes, sir, I did, sir.

Senator JACKSON. What year was that?

Mr. COHN. 1947.

Senator JACKSON. In 1947?

Mr. COHN. Yes, sir.

Senator JACKSON. You testified at some length with reference to your employment in the district attorney's office, which I believe was up until the summer of 1952?

Mr. COHN. That is right, sir.

Senator JACKSON. And in the summer or early fall you came down to Washington to work for Attorney General McGranery?

Mr. COHN. Yes, sir.

Senator JACKSON. Have you had any other legal experience, other than the experience with the Federal Government? Any private practice?

Mr. COHN. Oh, yes, sir. I have engaged to a very limited extent in private practice practically all the time since I have left law school. As you probably know, sir, it is just about impossible to hold down a job like this and the job I held down in the Department of Justice, and have enough free time to devote to private practice and gain any experience which I would count as really worth while. In other words, I would say I haven't been in court in—I haven't argued a case in court or tried a private case in court in some years. I think, as a matter of fact, I tried one private case in the municipal court in New York just after I was admitted, and I think that is about it.

Senator JACKSON. Are you a member of a law firm now?

Mr. COHN. Yes, I am.

Senator JACKSON. I read something in one of the magazine articles which would indicate that your income from the firm for 1 year would be much greater than—without mentioning the amount—much greater than that which you had received from the Federal Government. Is that right?

Mr. COHN. That is right, sir.

Senator JACKSON. Is that correct?

Mr. COHN. That is correct, sir. I would say this, if I may: I think my income from my private practice and the clients I have there is greater than the income I receive here and is probably a lot smaller than the income I could receive if I was devoting full time to private practice and probably a lot greater than it will be when I can finally get back to private practice.

Senator JACKSON. I don't doubt that, Mr. Cohn. I am not saying it in any sarcastic vein at all.

Mr. COHN. Surely.

Senator JACKSON. You are an able lawyer and I know you could make a lot more out. What I wanted to ask you was: You state that you have done very little private work, but your income from your private practice is much greater than from—

Mr. COHN. I understood your question to be experience—maybe I heard it incorrectly—which I had received in practice, and so forth.

Senator JACKSON. I mean both office and court practice.

Mr. COHN. Yes, sir.

Senator JACKSON. I am speaking of private practice.

Mr. COHN. As far as court practice is concerned, sir, I tried this one case in the municipal court. It occurs to me that in the course of the 6 or 7 years I was in court on 1 or 2 other occasions. The bulk of what practice I have a chance to do does not involve appearance in court and does not involve things which I would say would give me experience in the trial of cases or the argument of appeals. It would involve things other than that, sir.

Senator JACKSON. Since you have been working for the committee have you spent much time in your private practice with your own private law firm?

Mr. COHN. Very little, sir.

Senator JACKSON. Very little?

Mr. COHN. Yes, sir.

Senator McCARTHY. Will the Senator yield?

Senator JACKSON. Yes. This is something I didn't know—

Senator McCARTHY. I think the record should show at this time that at the time we employed Mr. Cohn, I informed the committee that he was a member of a firm and that he intended to continue his membership in the firm and that he would have income outside of his salary with the committee. That was discussed very freely and there is nothing mysterious about it at all. The Senators knew it at that time.

Senator JACKSON. I must say, Senator McCarthy, I knew nothing. I don't know whether my colleagues did.

Mr. COHN. I will be glad to furnish all the information right now, Senator.

Senator JACKSON. I don't recall anything being said about it, Senator.

Senator McCARTHY. I think if you will check the minutes at the meeting at which time we approved Mr. Cohn, you will find that that was discussed.

Senator JACKSON. This being a full-time job I was a little concerned when I read this article.

Mr. COHN. Senator, I might say this to you, sir: Possibly it is because of lack of qualifications and other things, but to do this job I

have put in much more than full time, and as far as the time record I should spend on this job or that I spent on any job I had in the Government, sir, if you will look at that or talk to my bosses, the people I have worked for, I think you will find that among my many failings will not be the failure to put in a lot of extra hours at nights and over weekends in doing my job for the Government.

Senator JACKSON. Mr. Cohn, I have no doubt that you are a hard worker, and I am not disagreeing with that at all. Not only a hard worker, but an able lawyer.

Senator McCARTHY. I would like to ask the Chair for permission to put in the minutes of the meeting at the time Mr. Cohn was confirmed, as soon as we can get those from the committee room, if I may do that.

Senator MUNDT. If there is no objection.

Senator JACKSON. If there is the actual transcript, I would like to have it include that.

Senator MUNDT. Very well. It will be given the appropriate number and included in the record, with the understanding that they are the minutes.

(It was later determined that there was no transcript of the meeting in question. See discussion, p. 1879.)

Senator MUNDT. If Senator McClellan would like to look at them first, that would be perfectly all right.

Senator McCLELLAN. If you are going to put things into the record, Mr. Chairman, I would like to know what they are.

Senator JACKSON. I assume that your law firm has not had any litigation with the Federal Government?

Mr. COHN. Pardon me?

Senator JACKSON. Has your law firm had any litigation with the Federal Government?

Mr. COHN. Not that I know of, sir. I know that I have not, at any time since I have been with the law firm, had any litigation with the Federal Government or participated in any manner whatsoever where there was a conflict whatsoever.

Senator JACKSON. I am not saying that. I want to know, you being a member of a firm, whether the firm has had any litigation. What is the name of the company?

Mr. COHN. Curran, Mahoney, Cohn, which is me, and Stim.

Senator JACKSON. Is that State Senator Curran or the secretary of state?

Mr. COHN. No, sir. Mr. Curran is the Republican county chairman of New York and the secretary of the State of New York. Senator Mahoney is State senator of the State of New York and the Democratic leader of the State Senate of New York. I am who I am, and Mr. Stim does the work.

Senator JACKSON. It is sort of a quadra-partisan firm? I was going to say bi-partisan.

Mr. COHN. Yes, sir. Like down here, politics, whether some one is a Democrat or Republican, does not make any difference.

Senator JACKSON. Mr. Cohn, you made reference to the document which was introduced into the record from a Mr. Paul Crouch.

Mr. COHN. Yes, sir.

Senator JACKSON. And I believe you stated that this was a document that started the investigation of the military.

Mr. COHN. No, sir.

Senator JACKSON. You didn't?

Mr. COHN. No, sir. This was one of—I was trying to summarize, at Mr. Jenkins' request, a number of things which came out at the beginning of this investigation. That was one among a large number of items. I specified other items in addition to that. This was one of the memoranda that was submitted, sir. I certainly agree with you about that. This is one that was submitted.

Senator JACKSON. As I recall, and I will have to look at the transcript, it was my recollection that the document given to you which you stated, I believe, was in the regular files of the subcommittee, was from Mr. Crouch and that it was the document that started the investigation of the Army.

Mr. COHN. No, sir. First of all, it was not given to me. It was given to Mr. Schine. Second of all, he worked with Paul Crouch on that. Second of all, sir, I don't believe I said that that document started the investigation. There were a number of things which contributed to the start of the investigation, and I believe I outlined those in probably too much detail. I certainly agree with you, Senator, if you want to use this as a basis for some additional questioning, I certainly agree with you that that was one of the documents that was submitted and one of the documents we did consider.

Senator JACKSON. What were the other principal documents?

Mr. COHN. There were a good number. Do you want me to recite documents?

Senator JACKSON. Just the principal ones.

Mr. COHN. I remember there was a record on Fort Monmouth. There was another record made by—

Senator JACKSON. What do you mean a record on Fort Monmouth?

Mr. COHN. There was a record made by another group down in Congress. I don't think it was ever made public, although I am not sure, concerning the disappearance of a large number of documents from the secret Army radar laboratories at Fort Monmouth. That was made available to us at the very beginning and we went into that and studied that. Other information was supplied to us.

Senator JACKSON. Is that all in the committee files?

Mr. COHN. Pardon me?

Senator JACKSON. Is that all in the committee files?

Mr. COHN. Yes; I am sure it is.

Senator JACKSON. And that was from another committee in Congress?

Mr. COHN. Yes, sir; I believe it was.

Senator JACKSON. And when did you get that information?

Mr. COHN. Around the same time, sir.

Senator JACKSON. Is that February or March?

Mr. COHN. Yes, sir.

Senator JACKSON. February or March of 1953?

Mr. COHN. Yes, sir, to the best of my recollection around there some time.

Senator JACKSON. You stated that this document, referring to the Crouch document, was in the regular files of the subcommittee, in room 101 of the subcommittee?

Mr. COHN. I assume it was, sir. I am sure it was in the files. It might have been in one of the other rooms the subcommittee keeps, sir. I can't swear to that. I am sure it was in the regular files of the subcommittee, available.

Senator JACKSON. I looked at the document. As I recall, you stated that, "It was in the regular files,"—this is from page 3902—"in room 101 of the subcommittee offices, sir. It has been there since March." I looked over this file, and I don't see how any Senator could possibly find it. It has no file number. How could any Senator possibly know of its existence?

Mr. COHN. I would say in this way, sir. If one of the Senators on the committee, say you, sir, had called me and asked me what preliminary investigations were under way, I would have come up to your office and I would have told you, I would have mentioned this one. If you wanted to see the files on preliminary investigations of Communist infiltration in the Army, this would have been in one of the several files, undoubtedly, that would have been displayed to you, sir.

Senator JACKSON. But isn't there a regular filing system that has been in existence for some 5 or 6 years?

Mr. COHN. Sir, I don't think anything has been in existence for 5 or 6 years. I think that the way of doing things was changed quite a bit after the reorganization of Congress in 1953. I know, sir, that I had—

Senator JACKSON. You say the reorganization of Congress. You mean the new Congress?

Mr. COHN. The new Congress; yes, sir.

Senator MUNDT. The Senator's time has expired. Senator Potter?

Senator POTTER. Mr. Cohn, do you agree with me that the essence of the report made by Mr. Stevens and Mr. Adams about you is the fact that you as chief counsel of this committee used the investigating arm of the Senate as a club on the Army in an effort to secure preferential treatment for Dave Schine? Do you agree that that is the essence of the charges that were made against you?

Mr. COHN. It is hard to answer that, sir. It certainly was the import of what was published in the newspapers and what was in some of these original documents they released. When I heard their testimony and particularly their questions on cross-examination here, sir, I was interested to note that neither one could give a single specific instance in which anything such as you suggest occurred. I say under oath no such thing ever did occur.

Senator POTTER. The purpose of the question is to state the original charges that were made.

Mr. COHN. Yes, sir.

Senator POTTER. If those charges were true, would you consider that a serious charge?

Mr. COHN. Sir, I would certainly say any abuse of power on the part of this committee or any member of its staff would certainly be a—would certainly be a very serious matter which should be dealt with by the committee. I don't say, sir—well, it should be dealt with by the committee in some way.

Senator POTTER. To follow that question up, if those charges were true—

Mr. COHN. Yes, sir.

Senator POTTER. Would you feel that your services as chief counsel of the committee should cease?

Mr. COHN. Sure.

Senator POTTER. If those charges are false, do you agree with me that an unconscionable act has been committed by some members of the Army?

Mr. COHN. Sir, it is—once again I have been trying to avoid characterizing. I certainly think that if you ask me directly, the act would be unconscionable and I think it was unconscionable, and I think it is unconscionable; yes, sir.

Senator POTTER. If the charges are not true—

Mr. COHN. Yes, sir.

Senator POTTER. That they made, it is an unconscionable act—

Mr. COHN. Yes, sir.

Senator POTTER. By somebody.

Mr. COHN. Yes, sir.

Senator POTTER. And that the persons responsible for that act, do you agree with me, should no longer hold a position of public trust?

Mr. COHN. Sir, that is a little high for me to pass on. I don't know just what the ramifications behind the whole thing might be, and just what they were doing, and why they were doing it, and who told them to do it, and a lot of other things which would enter into a judgment as to that. I would rather not pass any kind of judgment on them.

Senator POTTER. The reason I am questioning along this line, Mr. Cohn, is that it seemed to me when the charge was made it was a serious charge, for this reason: If true, you had taken improper advantage of your position with the committee. If false, you are being maligned by people for purposes of which the committee should have knowledge.

Mr. COHN. Yes, sir.

Senator POTTER. As I understand the charges made by Mr. Stevens and Mr. Adams, one of them was that you threatened to wreck the Army.

Mr. COHN. Yes, sir.

Senator POTTER. Mr. Jenkins, in his examination of you, covered that fairly well, but I want once again to ask you: Did you threaten to wreck the Army?

Mr. COHN. No, sir. I testified about that conversation on January 14, and I might say, sir, not only did I not threaten to wreck the Army, but Mr. Adams never believed that for one minute. If he did, sir, he would not have called me up at my home weeks later, he would not have tried to continue a personal relationship with me. He would not have acted the way he did.

Senator POTTER. Mr. Cohn, did you threaten to get Mr. Stevens' job?

Mr. COHN. No, sir, and if I had done that, sir, Mr. Adams would not have acted the way he did, I am sure.

Senator POTTER. Do you recall when Mr. Stevens and, I believe, also Mr. Adams were on the stand, I asked them that if Private Schine had received a commission or if he had received an assignment to the New York area, if they felt that their troubles with the committee would have ceased. I believe they testified that they thought that their troubles with the committee would have ceased.

I would like to ask you, if Private Schine had received an assignment to the New York area, would that have made any difference to you or to the committee and its program for investigating the Fort Monmouth case?

Mr. COHN. The answer to that, sir—and the record proves it—is “no,” sir. Second of all, Senator Potter, I might point out that as I recall, when Senator McCarthy interrogated Mr. Stevens on this point, Mr. Stevens said he did not think that the hearings would have stopped, and of course they would not have in any way.

Senator POTTER. In the statement issued by Senator McCarthy, yourself, and Mr. Carr, you state that Mr. Adams and Mr. Stevens were using Private Schine as more or less a pawn in an effort to call off the investigation of Fort Monmouth. Do you testify to that effect today?

Mr. COHN. Yes, sir. I think I told on direct examination, Senator Potter, some of the things which Mr. Adams did and said on this matter. For instance, that January 14 conversation on this overseas matter, and some earlier conversations. I think it was certainly very clear to Mr. Carr and I think it was clear to me that Mr. Adams was trying to use that in some way. Yes, sir.

Senator POTTER. What would your reaction have been if Mr. Stevens or Mr. Adams had said to you, “Well, now, listen, Private Schine will serve as any other man. I don’t want to discuss it with you. As far as the investigation is concerned, you can investigate the Army until doomsday.” What would your reaction have been to a statement of that kind?

Mr. COHN. I suppose that would have ended that, sir. I might say, there was never any request by us for any kind of preferential treatment for Schine. The only discussion we had with Mr. Stevens and Mr. Adams was about this arrangement to let him finish up some of his work.

On the question of using his services in the Army based on his qualifications, Mr. Stevens was very kind about that, sir, and Mr. Stevens came forward on several occasions and said that he was making such arrangements because he felt it would be in the interest of the Army to use one who had qualifications in this field. That was said by Mr. Stevens.

To answer your question directly, Senator Potter, if Mr. Stevens had ever suggested to me or to anybody else that the arrangement about Schine’s finishing his committee work or anything like that was improper in any way, I suppose all he would have to do was to tell us there was something wrong about it, that it shouldn’t be done—

Senator POTTER. Would that have ended it, as far as you were concerned?

Mr. COHN. I don’t think we would have very much choice, sir. Mr. Stevens is under no obligation to talk to me about that or anything else.

Senator POTTER. Mr. Cohn, you testified that when Mr. Adams contacted you in, I believe, room 101—

Mr. COHN. Yes, sir.

Senator POTTER. About an overseas assignment for Private Schine, he tied that in with the hearings at Fort Monmouth.

Mr. COHN. Yes, sir.

Senator POTTER. Is it your testimony that he was toying with you to use David Schine's assignment or threatening to send Dave Schine overseas unless you called off the Fort Monmouth investigation?

Mr. COHN. I think he was trying to, sir. I think that there was a good deal of baiting on Mr. Adams' part of me and other people in connection with this whole matter.

Senator POTTER. When he discussed that with you, was it in a light vein, or was he serious?

Mr. COHN. Sir, to be completely fair about this, I think he was serious about that, sir. I do have to tell you, sir, it is very hard in a few words to paint a picture of a relationship which existed over a long period of time between Mr. Adams and the staff of this committee. We knew him well. We were friends, good friends. We spent a lot of time together socially, and in every other way there was a good deal of baiting. There was a good deal of joking and practical joking. I can give you numerous examples going on back and forth.

When you ask me about the January 14 conversation, that did make an impression on me. I thought it was unusual, and I thought that Mr. Adams was serious.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Mr. Cohn, I made a statement yesterday about the internal security of the United States.

Mr. COHN. Yes, sir.

Senator SYMINGTON. We couldn't continue with it because of lunch. I said that there were courses of action which were available to any man in the service or in the services or any civilian in our Federal Government that he could take before coming to the Congress with respect to any graft, inefficiency, or subversion which he might feel or she might feel existed in their branch of the service or Government. I pointed out that they could just go around their immediate superior to persons higher in the chain of command; that they could go to the investigating and intelligence department of their branches, like the Office of Special Investigations of the Air Force, G-2 of the Army, or the Office of Naval Intelligence.

I said further that if such a person was still dissatisfied or feels that his whole branch of the service was corrupt and no good, he could go to the Department of Justice or its investigative agency, the FBI, with his complaint.

Finally, I said the Congress of the United States could be the court of last resort. Of course, the Members of the Congress are also subject to the law of the land.

I want to make clear that I was talking about a right to give information. When we are talking about documents which have been classified secret or confidential, I want to emphasize that I feel that any serviceman or woman or any Federal employee has to be governed by the law of the land.

Now, Mr. Cohn, I want to ask you some questions about the internal security of the United States. Would you be good enough to answer them as much as you can "yes" or "no"?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Because, as you know, my questioning time is limited.

Mr. COHN. Yes, sir.

Senator SYMINGTON. There are two principal committees in the Congress which deal with subversion—the Government Committee on Operations, the Senate Internal Security Committee, the House Un-American Affairs Committee—and there is also the Federal Bureau of Investigation dealing with the same problems, is that correct?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Suppose a Government employee in the executive branch of the Government had charge of a document stamped top secret, which he thought was not being given proper attention by his superior, would you think it was right for him to give that document to the chairman of this committee?

Mr. COHN. Sir, I hoped at the beginning I could give you a yes or no answer, but I want to say right now, Senator Symington, this raises some very great issues on which I might not be too well qualified to speak.

Senator SYMINGTON. Do your best to give me yes or no, because I have only 10 minutes.

Mr. COHN. I just can't do it, sir. I just can't give you this vast picture, even what little I know about it, with a yes or no answer. I have to go into some detail.

Senator SYMINGTON. Let me repeat the question.

Mr. COHN. I have the question.

Senator SYMINGTON. I would like to repeat it, if I may.

Mr. COHN. I have the question.

Senator SYMINGTON. Suppose a Government employee in the executive branch of the Government had charge of a document stamped top secret which he thought was not being given proper attention by his superior, would you think it was right for him to give that document to the chairman of this committee?

It seems to me you could answer that pretty close to yes or no.

Mr. COHN. Sir, it would require a much longer speech on my part than you would want to hear.

Senator SYMINGTON. In order to help me with my questioning, will you get up a file for the record, and we can take it up later.

My next question, Mr. Cohn: Would it be right for this gentleman to give it to the chairman of the Internal Security Committee?

Mr. COHN. Sir, maybe I can answer these questions this way: I think it would be right for that gentleman to act in accordance with his oath to the Constitution of this country, to his God, to protect this country against all enemies foreign and domestic. I think that would be a decision which he would have to make. If he were going to report some instances of failure to act, particularly where it involved protection of a Communist or a spy, I, sir, would have to see an awful lot before I would condemn him for going to the duly elected chairman of a committee of the Congress of the United States of America which is in business for that purpose.

Senator SYMINGTON. Now, Mr. Cohn, with all due respect to you, I didn't talk about a spy. I said of a document stamped top secret.

Mr. COHN. About what, sir?

Senator SYMINGTON. Suppose a Government employee in the executive branch of the Government had charge of a document stamped top secret which he thought was not being given proper attention by his superior. Would you think it was right for him to give that document to the chairman of the committee?

Mr. COHN. I regret, very much, Senator Symington, I cannot possibly answer that question covering the vast field which it does, yes or no.

Senator SYMINGTON. May we proceed? Would it be right to give it to the chairman of the Internal Security Committee? Is your answer the same?

Mr. COHN. My answer is the same. Sometime I would be happy to tell you about a lot of these things. I may be wrong on a lot of them. It is a long story. I can't answer yes or no.

Senator SYMINGTON. Would your answer be the same, that you can't answer yes or no, with respect to the right of giving it to the chairman of the Un-American Activities Committee?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Your answer then would be the same with respect to giving a top secret document to any committee chairman, is that true?

Mr. COHN. My answer would have to be, sir, in order to get the picture accurately, we would have to go into specifics and see just what we are talking about, what type of a case, and see just what the practical situation has been in the Government of the United States over the past few years as I have known it both from the executive and from the legislative standpoint.

Senator SYMINGTON. Have you ever heard of a former Congressman named Vito Marcantonio from your State?

Mr. COHN. Have I heard of him?

Senator SYMINGTON. Yes.

Mr. COHN. Yes.

Senator SYMINGTON. If Vito Marcantonio had been chairman or member of the House Un-American Activities Committee, would it be all right for you to give him this information?

Mr. COHN. Vito Marcantonio? I wouldn't give him the right time.

Senator SYMINGTON. I beg your pardon?

Mr. COHN. No, sir.

Senator SYMINGTON. If the chairman of one of these committees were unavailable, do you think a Government employee could give this top secret material to the committee staff?

Mr. COHN. Do I think it would be proper to give it to a member of the committee staff?

Senator SYMINGTON. That was my question.

Mr. COHN. It might be, sir.

Senator SYMINGTON. Have you ever heard of employees or staff members of congressional committees being Communists?

Mr. COHN. I believe that Alger Hiss worked for a congressional committee back in the middle 1930's, sir.

Senator SYMINGTON. That is correct. That is the Nye committee investigating the munitions industry and there have been several others. You do know that there have been members, right?

Mr. COHN. Yes, sir. In fact, there have been some connected with members currently serving—

Senator SYMINGTON. My time is limited. You know, don't you, that there is a procedure for checking the loyalty and security for all Government employees?

Mr. COHN. I know there is a procedure, sir. I know that procedure is not always followed.

Senator SYMINGTON. Has the Congress ever adopted a loyalty program for its own employees or employees of committees?

Mr. COHN. I don't know the details of that, sir. I know that in our committee we asked the FBI to make a check and see if there is derogatory information on anyone we are about to employ, and I know that members of our staff get—apply for Defense Department clearance if their work might require that.

Senator SYMINGTON. You might want to check that, the question, and we will perhaps include that in the other information you are going to give me.

Mr. COHN. Surely, sir.

Senator SYMINGTON. Thank you.

Have you, yourself, received any information since you have been on the staff from confidential informers?

Mr. COHN. Confidential informers?

Senator SYMINGTON. Yes.

Mr. COHN. Well, I was with the Department of Justice and while I have been on the staff of this committee I have received much valuable information from people we might call confidential informers; yes, sir.

Senator SYMINGTON. Have some confidential informers given information to other staff members in addition to you?

Mr. COHN. I am sure they have, sir.

Senator SYMINGTON. You are sure they have?

Mr. COHN. Yes, sir; I am sure they have, sir.

Senator SYMINGTON. Do some investigators, secretaries, and file clerks have access to the committee files?

Mr. COHN. I don't know the details of that, Senator Symington. They might.

Senator SYMINGTON. Now, let's get to this hypothetical secret document, top-secret document, again.

Wouldn't that be put in the committee files, if the chairman received it?

Mr. COHN. That is a hypothetical secret document?

Senator SYMINGTON. Yes, sir. In other words, I asked you what you would do with a top-secret document.

Mr. COHN. I imagine if it were given to Senator McCarthy, there is a very good chance it would not be put in the committee files, sir. I imagine Senator McCarthy—Senator McCarthy is very careful about protecting the identity of people who furnish him with information, sir, and I think he takes certain steps to see—I know in some cases I don't know who gives him information. I haven't asked him and I don't want to know.

Senator SYMINGTON. Has everybody on the staff—

Senator MCCARTHY. Could I interrupt?

Senator SYMINGTON. Mr. Chairman, I would be glad, but can it be permissible for the Senator not to take my time?

Senator MCCARTHY. Sure. During Senator Jackson's cross-examination—

Senator SYMINGTON. Could I have a ruling on that?

Senator MUNDT. It will not be taken out of your time, if you are going to yield.

Senator SYMINGTON. Thank you.

Senator McCARTHY. During Senator Jackson's cross-examination of Mr. Cohn, I suggested that the transcript of the meeting at which time Mr. Cohn was confirmed, be made a part of the evidence. I find now, Mr. Chairman, that there was no transcript, that there were merely notes made by the stenographer who was present. I find that there was no mention made, Senator Jackson, of any—in these notes—of any private law business. These are confidential notes. I want to pass them to you. If there are any parts of these that you think should be part of the record, I personally have no objection. There may be some parts that you wouldn't want to make part of the record.

Senator JACKSON. I think that is fair. The reason I raised the question is I read about this in a magazine, and I had never heard of the affiliation with a private law firm. It was for that purpose that I asked the question.

Senator McCARTHY. I want to say in fairness to you that there is no mention in the notes. This is not a transcript of what occurred, merely the notes. There is no mention in the notes about the private law firm.

Senator MUNDT. Senator Symington may continue.

Senator JACKSON. I had no recollection of it.

Senator SYMINGTON. Mr. Cohn, do you believe that anyone can lawfully deny access to the files or any part of the files to any member of a congressional committee?

Mr. COHN. That anyone can deny access?

Senator SYMINGTON. Yes.

Mr. COHN. I don't quite get that "anyone," sir.

Senator SYMINGTON. Well, let's say do you believe that the chairman of the committee or a majority ruling of the committee can deny files, split it into two, to any member of the committee?

Mr. COHN. I just don't know that, sir.

Senator SYMINGTON. You have no opinion on that?

Mr. COHN. No, sir.

Senator SYMINGTON. Do you believe that you and the members of the committee are bound by the laws of the United States Congress?

Mr. COHN. I do, sir.

Senator SYMINGTON. Now let me read you from the Legislative Reorganization Act of 1946, as amended. [Reading:]

All committee hearings, records data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee and such records shall be the property of the Congress and all members of the committee and the respective Houses shall have access to such records.

Now, Mr. Cohn, that is the law.

Mr. COHN. Yes, sir.

Senator SYMINGTON. My final question is, as counsel for this committee, do you consider yourself bound by the law?

Mr. COHN. I consider myself bound by the law, Senator Symington, not only because I am counsel for the committee. I consider myself bound by the law, period, for all purposes, at all times. Yes, sir.

Senator SYMINGTON. Is my time up, Mr. Chairman?

Senator MUNDT. Time is up.

Senator DWORSHAK. Just a few questions.

Mr. Cohn, we heard a great deal about the important work which David Schine did for this subcommittee as a member of the staff.

Mr. COHN. Yes, sir.

Senator DWORSHAK. I am interested in knowing why he was employed. Did he have any particular legal or newspaper training or other experience which would qualify him for investigative work?

Mr. COHN. Legal or newspaper? No, sir. I would say that legal and newspaper work are not necessary prerequisites to coming with the staff. He knew a good deal about the Communist movement in this country. He had studied it. He had written about it. And, sir, he was very much interested in it. He was willing to give us his time for nothing. That was an offer of which we were very happy to avail—

Senator DWORSHAK. Is that the main reason he was employed, because he donated his services?

Mr. COHN. No, sir; I would not say that was the main reason he was employed. The main reason he was employed was because he happened to have a good deal of knowledge, much more than I did or any other member of the staff, on a particular investigation which we desired to recommend that this committee undertake. He had worked on it for a period of years. He had written on it. He knew a good deal more about it than we did. He was willing to come and he was willing to work for nothing.

Senator DWORSHAK. Did he have peculiar experience which would enable him to do an effective job?

Mr. COHN. Sir, I don't know. It is very hard to judge, sometimes, about peculiar experience enabling you to do a job.

I have seen a lot of people, Senator Dworshak, who are supposed to have great experience. They come in and they do a very bad job. I have seen other people whose paper record might not look quite as impressive who come in and do a very outstanding job. As far as Dave Schine is concerned, I would let the judgment of those who let him come with the committee be passed upon as a result of the work which he did for the committee. He did a lot of work for this committee.

Senator DWORSHAK. That is admitted, Mr. Cohn, but what troubles me is this: that at the time you and Mr. Schine took the tour in Europe to investigate the Voice of America and its operations there, there was a great deal of unfavorable newspaper publicity. That would indicate possibly that you were doing a very efficient job, but, on the other hand, that you were antagonizing many people.

I wonder whether that experience was largely the result of Mr. Schine's not having engaged in such work in the past?

Mr. COHN. My answer to that would be, no, sir, and I am sorry you think, Senator Dworshak, that because a newspaper or a lot of newspapers in Europe particularly might do a smear job, that you want to accept that without looking at the facts in the case to see whether or not we did or did not do a good job.

As far as that trip is concerned, we were sent over there by the chairman to do certain specific things and obtain certain specific information. We did that. We did that as best we could, and I think there are a lot of circumstances, some of which have been aired before this committee before. I think the State Department and certain

elements in it were no happier about our investigation than some other agencies.

Senator DWORSHAK. You feel that your work was very effective, but that it wasn't fully appreciated and was misrepresented in the press?

Mr. COHN. Sir, I don't seek too much appreciation. I try to do the job as best I can. If I do anything wrong, I want that called to my attention.

In that case, as in every other case, I have done the best I can. I carried out the assignment I was sent over there to do.

Senator DWORSHAK. Mr. Cohn, may I interrupt you? I wasn't referring to you so much as to Mr. Schine. I was trying to develop whether his lack of experience in investigative work was responsible for the unfavorable publicity which he received on that tour.

Mr. COHN. No, sir. I would say what was responsible for the unfavorable publicity is the fact that there is a great deal of resentment in European nations particularly that in this country Senator Joe McCarthy and some other people are addressing themselves to the job of cleaning out Communists, and I might say that in some of these other countries that same job is not being done. Perhaps it should be done.

Senator DWORSHAK. We realize, Mr. Cohn, that in Britain and France and Italy and other countries in Europe, they tolerate communism, that they have Communists in their government. I am wondering whether you received cooperation from our embassies and the Americans whom you encountered in your European tour?

Mr. COHN. I was particularly talking about HICOG in Germany. We not only did not receive cooperation, but we were made the object of a deliberate and planned smear involving newspapers which were subsidized and paid for by a revolving fund by HICOG, which was doing the smear.

Senator DWORSHAK. Mr. Cohn, do you think if David Schine received a commission in the summer of 1953, that possibly the controversy with Secretary Stevens and the Army and this hearing might have been avoided?

Mr. COHN. I do not, sir.

Senator DWORSHAK. You do not?

Mr. COHN. I don't think it would have any bearing on it whatsoever. I am sure nobody else does.

Senator DWORSHAK. Do you think some other conflict would have developed between the subcommittee and its staff and the officials in the Department of the Army?

Mr. COHN. You are asking me to predict about conflicts developing. I know of no conflict developing here. I was made aware of none by Mr. Stevens or Mr. Adams.

Senator DWORSHAK. Now wait a minute. Go ahead. Pardon me.

Mr. COHN. If you want to interrupt me there and question me on the statement I just made, that is all right.

Senator DWORSHAK. You say there is no conflict. There is certainly lack of cooperation and throughout this hearing, we have heard allegations and charges that the Department of the Army was trying to suppress or terminate the hearing of this subcommittee at Fort Monmouth. Is that true or not?

Mr. COHN. That is true, sir, but if I might answer you, Senator Dworshak, what I said was this: that while the events were sup-

posedly going on, Mr. Stevens and Mr. Adams did nothing to make us aware of the fact that they thought there was any conflict or that anyone was doing anything wrong. It is a little peculiar, sir, to have somebody come in and say you are abusing them and "vituperating" them, if there is any such word, and then in the next breath have them call you up and invite you out to lunch and dinner and ask you to do things for them and continue a social relationship over a period of time.

Senator, I should say this: It is a very peculiar thing to have somebody come in here and say he was abused by me because I called him up on the phone too much, and then when I didn't call him up on the phone for a couple of weeks to have him call me up at my home in New York and complain very bitterly because he hadn't heard from me and I hadn't called him up.

I would say, sir, that the complaints and the charges on the part of Mr. Stevens and Mr. Adams are not in good faith.

Senator DWORSHAK. Let's eliminate the charges in this controversy. What would the situation be on the relations between your subcommittee staff and the Department of the Army?

Mr. COHN. The relations would be, sir, that Mr. Adams and Mr. Stevens were doing their best to stop the committee from conducting its investigation, which is not something unique in the annals of history. Most agencies which are being investigated don't like to be investigated, and they would be much happier if the committee pulled out. This was not a highly unusual situation to us, sir. They were welcome to try. It was our job to see that they did not succeed.

Senator DWORSHAK. Certainly, Mr. Cohn, you did not believe that the Department of the Army and Secretary Stevens were unwilling to expose in every possible manner subversives and security risks within the operations of Fort Monmouth?

Mr. COHN. Sir, I think that Mr. Stevens and Mr. Adams had what I believe, sir, to be the mistaken notion that the exposure of these things would be a personal reflection upon them and would indicate to the public that they had been lax in the performance of their duties and that it took this committee to come along and prod them into action. I think they were human enough not to want that situation to occur so that they acted as they did. I don't think it was a question of covering—of them wanting Communists in the Army. Of course it wasn't. It was a question of their not wanting the resultant embarrassment from the public uncovering of the few Communists who infiltrated the great Army and of the people who were serving under Mr. Stevens who were responsible for this small infiltration in this very large, great Army.

Senator DWORSHAK. Mr. Cohn, assuming that your subcommittee and the staff do not go forward with the investigation at Fort Monmouth, do you believe that the Department of the Army will accelerate its activities there and do everything possible to root out all of the espionage which we think is there?

Mr. COHN. Do I believe that, sir?

Senator DWORSHAK. Yes.

Mr. COHN. No, I don't believe that, sir. I believe the minute this committee stops there will be a simultaneous relaxation in efforts on the part of the Army in doing what it should do on these things and I

think the way they have handled the Peress case is just about the last straw in indicating that there is a very strong need for——

Senator DWORSHAK. It is your judgment, Mr. Cohn, that this investigating subcommittee and its staff should continue its work at Fort Monmouth?

Mr. COHN. It is, sir.

Senator DWORSHAK. That is all, Mr. Chairman.

Senator MUNDT. Senator McCarthy, have you any questions?

Senator MCCARTHY. Yes. I have a few.

First, Mr. Cohn, may I say that I have been extremely happy to see the comparison between your answers and the answers of Mr. Stevens and Mr. Adams. I have appreciated the way you have answered all questions and not ducked any of them. I think your performance on the witness stand may be somewhat a key to why the opposition feels they must get rid of you at all costs. I think your performance here on the witness stand has justified the confidence that I had when I induced you to take this job as chief counsel.

Mr. COHN. Senator, I deeply appreciate your confidence in me. That means more to me than anything.

Senator MCCARTHY. Thank you.

Mr. Cohn, just one or two questions. I have just had handed to me the Daily Worker—that is, the official Daily Worker—which has been described as the telegraph agency of the Communist Party. I guess there is no question about that.

I find here the headline for today is "Flanders Likens McCarthy to Hitler." Then a box says, "Celler asks probe of McCarthy spy network."

Reading the balance of that:

Representative Emanuel Celler, Democrat, New York, introduced a resolution today urging the Justice Department to investigate what he called McCarthy's spy network in the Government. Celler said the network is "stealing secret documents in violation of the law."

May I ask you this, Mr. Cohn, in view of your rather long record in helping to successfully prosecute traitors to this country. I assume you are fully aware of the nature of the Daily Worker and what it is.

Mr. COHN. I am, sir.

Senator MCCARTHY. And for the benefit of our American jury who is watching this, could you tell us what the Daily Worker is?

Mr. COHN. Yes, sir. The Daily Worker is perhaps the leading official publication of the Communist Party of the United States which, in turn of course, is merely the local office of the worldwide Communist conspiracy. The Daily Worker, published in New York, sir, has been named by people including a man who was once its managing editor as the sort of telegraph wire that goes out every day to Communist Party members through the country, giving them their instructions as to what the Communist, the current Communist, line is, how they should talk, how they should think, and what they should say. It is used to convey those instructions to members of the Communist conspiracy in this country. I might say that the evidence has showed that the line which the Daily Worker follows is, in the last analysis, set in Moscow by the leaders of the worldwide Communist conspiracy.

Senator McCARTHY. There is no question, is there, Mr. Cohn, but what the Daily Worker is the medium by which the Communist Party tells its loyal members throughout the country what to do, what the line is?

Mr. COHN. It is the most important, sir. There are others. There is Political Affairs, which is a monthly theoretical magazine of the Communist Party of the United States, in which the theories are set forth in a little bit more high-toned language than the Daily Worker. There are certain other Communist publications. But I would certainly agree with you, that the Daily Worker is No. 1.

Senator McCARTHY. Mr. Chairman, I would like to make part of the record the front page of the Daily Worker, which praises up the Congressman and the Senator which attack us for having exposed Communists.

Mr. COHN. Senator McCarthy, I might say this, I don't know how frequently you read the Daily Worker, but if you read that and if you read Political Affairs, you will find that a substantial portion of every single issue of the Daily Worker is devoted to attacks on you, that in Political Affairs, which sets the key for the top leadership for the Communist Party, in its last issue, there is an article in which the Communist Party claims a good deal of credit for recent attacks upon you, and sets as the No. 1 objective for Communists in the United States, the participation in attacks and attempts to discredit you. That is in the Daily Worker, the Political Affairs, and every single Communist publication, day in, day out, month in, month out. There is no conceivable doubt about that.

I am not attacked nearly as frequently as you are, sir.

Senator McCARTHY. I think you are running a good, close second right now. The Communist Party, as you know, held a trial of McCarthy in New York. As I recall, I think they convicted me.

Mr. COHN. You were convicted, sir.

Senator McCARTHY. I think your trial will be next by the Communist Party. Mr. Cohn, you and Mr. Schine went through Europe. I sent you over there to go through the libraries and come back and report to me what Communist works were actually on the shelves. Mr. Dworshak questioned you about that, and I think wisely so. I think it is an important item. The man who was in charge of the program was Theodore Kaghan; is that right?

Mr. COHN. Sir, there were a number of assignments that you gave us. The man who was acting head of that part of HICOG, the Public Affairs Office, at the time we were over there, with some 4,000 people working under him, was a man named Theodore Kaghan, yes, sir.

Senator McCARTHY. Theodore Kaghan is no longer with the information program, is that correct, as far as you know?

Mr. COHN. As far as I know, he is not, sir.

Senator McCARTHY. In any event, during our investigation his resignation was accepted?

Mr. COHN. Yes, sir.

Senator McCARTHY. I wonder if you would—and I think this has some bearing on the questions asked by Senator Dworshak—I wonder if you would briefly outline the background of Mr. Kaghan, so we will get a better picture of the type of publicity that we received out of Europe when you were over there?

Mr. COHN. Yes, sir. Mr. Kaghan, who I think was head of the Public Affairs Office in HICOG, when we were over there, investigating it, it comes to me, offhand, No. 1, had signed a Communist, a written pledge, to the Communist Party of the United States in the form of a Communist nominating petition. No. 2, this pledge was signed by him during the Hitler-Stalin pact, when anyone with an ounce of brains, I think, sir, knew just what the Communists were up to. No. 3, he had been the author of a number of pro-Communist plays. No. 4, those plays had been produced by a Communist-front organization. I won't mention the name because I am in doubt about one word in its title. It has been cited in the official subversive guide. There were a number of other incidents, indicating that Mr. Kaghan had been affiliated with the Communist movement, sir.

Senator McCARTHY. And when Mr. Kaghan was brought here for questioning, do you recall that he admitted that he lived for approximately 1 year with a man whom he knew to be a member of the Communist Party or thought to be a member of the Communist Party?

Mr. COHN. That is my recollection, sir.

Senator McCARTHY. And that man who wrote plays which were produced by Communist fronts, who lived with a member of the Communist Party, signed the Communist pledge, was the individual over in Europe who was notifying the press where you would be, where Mr. Schine would be, advising them to, in effect, tail you, is that right?

Mr. COHN. There is no doubt about that in my mind, sir.

Senator McCARTHY. And, actually, with no authorization whatsoever, there was—how would you describe it—there was a man given the job of tailing you and Mr. Schine, following you every place you went?

Mr. COHN. Yes, sir. I ran into that man at the airport the other night here in Washington, sir. I am sure he wasn't following me. I think he is out of the State Department now.

Senator McCARTHY. During your trip through Europe, did you find that we had subsidized and were at that time subsidizing papers that had editors, publishers, who were or at least had been members of the Communist Party?

Mr. COHN. It is more than that, sir. That is true, but in addition to that, this fund that I talked about that HICOG had to subsidize, finance, give money to certain German publications, some of the money which came from the American taxpayers, was actually used by one of these newspapers, to print up official propaganda for the Communist Party in Germany.

Senator McCARTHY. One of the results of your trip through Europe was the resignation of this man Kaghan who was in charge of some 4,000 people, Kaghan who had signed a pledge to support the Communist Party, Kaghan who had admitted that he lived with a Communist, Kaghan who wrote plays which were produced by Communist fronts, one of the results of your trip was his resignation, is that right?

Mr. COHN. He resigned during our investigation; yes, sir.

Senator MUNDT. The Senator's time has expired.

Mr. Welch?

Mr. WELCH. Mr. Cohn, I was interested in Senator Dworshak's questions to you about what would have happened if Mr. Schine had

secured a commission in the summer of 1953. You recall those questions?

Mr. COHN. Yes, sir.

Mr. WELCH. Of course, in the summer of 1953, you were anxious to procure a commission for Mr. Schine, weren't you?

Mr. COHN. I thought he was qualified. Sir, I was one of the references.

Mr. WELCH. Would you mind answering the question. You were anxious to procure one?

Mr. COHN. Sir, you say anxious to procure. I want to tell you this. I thought he was qualified. I recommended him. I was a reference on his application; yes, sir.

Mr. WELCH. Is that your answer, you were anxious to procure one for him?

Mr. COHN. My answer is as I have given it to you.

Mr. WELCH. It was simple, yes, sir. You were, weren't you?

Mr. COHN. I thought he was entitled to that, sir.

Mr. WELCH. And you enlisted some pretty high-powered people to help get one, didn't you?

Mr. COHN. No, sir; I can't agree with your terminology there. That does not give a fair reflection.

Mr. WELCH. Well, sir, let's see, Mr. Cohn——

Mr. COHN. Sticking to your question, you say I enlisted certain high-powered people to help him get it. What happened was this, sir——

Mr. WELCH. I didn't ask you what happened. I asked you if you enlisted certain high-powered help. Did you or didn't you?

Mr. COHN. Sir——

Mr. WELCH. Yes or no, did you or didn't you?

Mr. COHN. Mr. Welch, I want to give you yes or no answers.

Mr. WELCH. You don't want to or you do want to?

Mr. COHN. Mr. Welch, I would like to give you yes or no answers.

Mr. WELCH. All right. Let's start again, then.

Mr. COHN. Mr. Chairman, may I be permitted to complete one sentence?

Mr. WELCH. Mr. Chairman, I am going to try to have this witness be responsive in his answers, and I would like to start again, if I may. Could I start again, Mr. Cohn, or would you like to make a speech now?

If you would like to make a speech, make it.

Mr. COHN. No, sir; all I was going to tell you was this. I would like to give you responsive answers and I would like to give you as many yes or no answers as I can. There are times, sir, when I cannot agree with some of the adjectives which you put into your questions which make it difficult for me to give you the answer I would like to. If you wish to ask me did I think Schine was qualified for a commission and did I recommend him for one, my answer is yes.

Mr. WELCH. We have already covered that, when you said you were anxious to get him one, didn't you?

Mr. COHN. I told you what happened.

Mr. WELCH. And you said you were anxious to get him one. Do you want to change that or stay by it?

Mr. COHN. Sir, I think my testimony is very clear to the committee as to just what happened and just what I wanted.

Mr. WELCH. It was only a moment ago that I said "Yes" or "No," were you anxious to get him one and you said "Yes." Do you want to change it or stay by it?

Mr. COHN. Sir, I want to leave stand exactly what I said concerning the events of Mr. Schine's filing an application for a commission.

Mr. WELCH. Do you want me to go all over it again and ask you once more in simple English were you anxious to get Schine a commission—

Mr. COHN. Sir, I can only tell you what happened. I can't take your word anxious.

Mr. WELCH. You were the only guy that would know what your own state of mind was. There is no trouble about it. I don't think it was immoral. But just were you anxious to get him one?

Mr. COHN. Sir, I thought he was qualified for it and I recommended it. You ask me was I anxious. That is a difficult question for me to answer. I thought he was qualified for one. I recommended him for one.

Mr. WELCH. But you can't tell us whether you were interested in the results?

Mr. COHN. Sure I was interested in the results.

Mr. WELCH. And you were interested affirmatively?

Mr. COHN. Yes, sir.

Mr. WELCH. And you wanted him to get one?

Mr. COHN. Yes, sir.

Mr. WELCH. Well, why did it take us so long?

Mr. COHN. The reason it takes so long, Mr. Welch, is you put some adjective in your question which is a little bit difficult for me to go along with. I want to try, sir, to give you yes or no answers.

Mr. WELCH. You have finally done it. We are off at least to some kind of a start.

Mr. COHN. Yes, sir.

Mr. WELCH. The first conference that took place in respect to a commission for Schine, took place in the office of a United States Senator, didn't it?

Mr. COHN. Yes, sir.

Mr. WELCH. That is pretty high-powered stuff, isn't it, a Senator? Is that right?

Mr. COHN. I can't answer that, sir.

Mr. WELCH. There was present in that office a general; is that right?

Mr. COHN. General Reber was there, yes, sir.

Mr. WELCH. That is pretty high-powered stuff, isn't it?

Mr. COHN. Mr. Welch—

Mr. WELCH. Yes or no. Is that high powered or not?

Mr. COHN. Mr. Welch, I want to give you yes or no answers.

Mr. WELCH. Do so, then. Just tell me, is that high powered or not. Mr. Cohn—

Senator McCARTHY. Mr. Chairman.

Mr. COHN. Senator, I don't mind this at all.

Senator McCARTHY. I don't think it should be called high powered.

Senator MUNDT. Mr. Cohn can ask for more details about what is meant by the adjectives if he does not understand.

Mr. WELCH. Let's strike out "high powered" and start again. I say you had a Senator there, you had a very important public official there, didn't you?

Mr. COHN. Yes, sir, I think Senator McCarthy——

Mr. WELCH. If you had a general there, you had a very important Army official?

Mr. COHN. Yes, sir.

Mr. WELCH. If you had Mr. Roy Cohn there, you had a very important counsel to an important committee there, didn't you?

Mr. COHN. The committee is important, sir.

Mr. WELCH. Right. Do you think, Mr. Cohn, any ordinary little guy from my State of Iowa could demand that sort of attention?

Mr. COHN. I hope so, sir.

Mr. WELCH. Do you think he could?

Mr. COHN. Yes, sir.

Mr. WELCH. Do you think any little old guy off a farm in Iowa who would like a commission now could manage to have a conference between a Senator and a general and you?

Mr. COHN. Sir, I don't think——

Mr. WELCH. Just answer yes or no. Do you think a little boy from the farm can get away with that?

Mr. COHN. My answer to you, Mr. Welch, is, I think Iowa might exclude me. If a person from Iowa contacted Senator Hickenlooper, I am sure Senator Hickenlooper or someone in his office would call General Reber or someone on his staff and see that the application was given prompt attention; yes, sir.

Mr. WELCH. It is a wonder we haven't got all officers and no privates in our Army, isn't it, Mr. Cohn?

Mr. COHN. Pardon me, sir?

Mr. WELCH. Could that boy from Iowa enlist the support of General Walter Bedell Smith, too?

Mr. COHN. I don't know.

Mr. WELCH. You don't think so.

By the time we get a Senator and a couple of generals and you in the picture, we really have pretty good forces at work to get Schine's commission, haven't we?

Mr. COHN. He didn't get it, sir.

Mr. WELCH. I didn't ask you that, Mr. Cohn. I am just asking you if we didn't have pretty good forces at work?

Mr. COHN. Mr. Welch, I just can't take these——

Mr. WELCH. What is the matter? Are you modest about your own position?

Mr. COHN. No, sir, I am not overly modest about my own position.

Mr. WELCH. Two generals and a Senator is pretty good stuff, isn't it?

Mr. COHN. Pardon me, sir?

Mr. WELCH. Two generals and a Senator is pretty good stuff?

Mr. COHN. You say "pretty good stuff," sir. General Reber has the job here with the staff of processing these applications.

Mr. WELCH. Did I ask you what General Reber's job is, sir?

Mr. COHN. I think——

Senator MUNDT. Mr. Welch, I do believe you should let the witness answer your question. You ask him questions and don't give him

nce. You asked him about this high-powered stuff and he certainly has a right to answer.

Mr. WELCH. Would you read the question, please, Mr. Reporter?

Senator MUNDT. Read the question and the answer and the interruption.

The record was read by the reporter as above recorded.)

Mr. WELCH. I asked if you think I asked what General Reber's is?

Senator MUNDT. You asked him whether he was pretty high stuff, and he was trying to answer your question.

Mr. WELCH. Go ahead and tell us.

Mr. COHN. General Reber, sir, has the job of liaison between the Army and Congressmen. It was his job, as I understand it, sir, to process applications for commissions and for other things. He had staff to assist him in doing that. That was his duty. He would be in and day out go to the offices of various Senators and Congressmen up on the Hill for that purpose, and I am sure that thousands of times in the course of that he would talk with the Senator or with the Congressman and get the application.

I believe he talked with Senator McCarthy once and once alone, sir.

Mr. WELCH. Haven't we heard that three or four times in this room already, Mr. Cohn?

Mr. COHN. I thought we had, sir.

Mr. WELCH. Right. So you aren't adding anything to the record when you tell us that.

Mr. COHN. Well——

Mr. WELCH. May I ask you this, Mr. Cohn: I understand you to say in answer to Mr. Dworshak that if Schine had got a commission in the summer of 1953 and put on his uniform and his one bar, shall we say one bar——

Mr. COHN. Pardon me, sir?

Mr. WELCH. Shall we say one bar on his uniform? What you were aiming for was Schine's commission?

Mr. COHN. What were we aiming for?

Mr. WELCH. Yes, 1 bar or 2 bars?

Mr. COHN. The question of what his qualifications entitled him to.

Mr. WELCH. What were you aiming for?

Mr. COHN. I don't think there was any discussion about rank.

Mr. WELCH. You weren't aiming at anything less than one silver bar on his shoulder, were you?

Mr. COHN. I would assume that a second lieutenant would be the best commissioned rank you could get in the Army.

Mr. WELCH. That is right. If he got his uniform and his silver bar on his shoulder——

Mr. COHN. You say one silver bar, sir?

Mr. WELCH. Had I better say "gold bar"?

Mr. COHN. That is what I thought.

Mr. WELCH. I am really talking about a second lieutenant. That is, I take it, your aim, is that right?

Mr. COHN. I can't say that, sir.

Mr. WELCH. Was your aim a little higher?

Mr. COHN. No, sir; the aim was——

Mr. WELCH. It couldn't have been any lower than second lieutenant, could it?

Senator McCARTHY. Let him answer, please.

Mr. COHN. No, sir. Second lieutenant, I believe, is the lowest commissioned rank in the Army.

Mr. WELCH. Yes. Was that the maximum aim you had for Dave?

Mr. COHN. There was no discussion about aim, sir. It was a question of what his qualifications were.

Mr. WELCH. In any event, if he got his uniform—may I ask how much time I have?

Senator MUNDT. You guessed it.

Mr. WELCH. I thought so.

Senator MUNDT. Your time has expired. We will be around to you again shortly.

Mr. Jenkins?

Mr. JENKINS. No further questions, Mr. Chairman.

Senator MUNDT. During your testimony earlier, Mr. Cohn, either on cross-examination or direct-examination, you brought in frequently the name of Aaron Coleman.

Mr. COHN. Yes, sir.

Senator MUNDT. It runs in my mind that the evidence in connection with Aaron Coleman dated back to 1946 and 1947 when he ferreted out some documents from Fort Monmouth.

Mr. COHN. '46, I believe.

Senator MUNDT. '46. The question I would like to ask is, do Aaron Coleman have any bearing on the Fort Monmouth situation as of now? Is he still working there? or when did he leave? or was he there at the time the investigation began? What relevancy do the Coleman matter have?

Mr. COHN. Coleman was suspended after this committee began its investigation, Senator Mundt, and I believe his case is in process of loyalty board channels now.

Senator MUNDT. It is my understanding he had been suspended before the investigation began. Are you sure the suspension took place after your investigation began?

Mr. COHN. Yes, sir. My understanding is that the suspension of Coleman took place sometime late in September. I am subject to correction on that. I am quite sure of it. As I recall it, when I talked to Mr. Stevens about it the first time—

Senator MUNDT. Will you check your record and give us an exact date?

Mr. COHN. I think that would have to come from Mr. Stevens, sir. We would not have the date. They would have the date. We do not know the exact date, sir.

Senator MUNDT. You are sure he was suspended?

Mr. COHN. We were told that by Mr. Stevens; yes, sir.

Senator MUNDT. You are sure that he was working there at the time the investigation began?

Mr. COHN. Yes, sir.

Senator MUNDT. Turning now to another subject, you mention that at many of the press conferences which took place following the executive hearings Adams and Stevens were present, and I think you said that they did not complain about the nature of the press conferences at that time, is that right?

Mr. COHN. Yes, sir.

Senator MUNDT. Were they present at all of the press conferences at that time; is that right?

Mr. COHN. Yes, sir.

Senator MUNDT. Were they present at all of the press conferences?

Mr. COHN. I think there might have been some hearings which one or the other might have missed and they would not have been there. There were very few. I think Mr. Adams or Mr. Stevens—

Senator MUNDT. Would you say they were there at half the press conferences or 25 percent of the press conferences or 75 percent of the press conferences?

Mr. COHN. I would say about 80 or 90 percent, sir.

Senator MUNDT. They were there at 80 or 90 percent of the press conferences.

Mr. COHN. That is my best estimate now.

Senator MUNDT. Are you willing to tell this committee under oath that at those press conferences, at none of those press conferences, did they make any complaints about the nature of what Senator McCarthy or you said about the hearings?

Mr. COHN. Yes, sir; I certainly recall none.

Senator MUNDT. No complaint of any kind?

Mr. COHN. I recall no complaint of any kind by Mr. Adams or Mr. Stevens.

Senator MUNDT. How about subsequent to the press conference? Did they tell you the next day or the next time you met them socially or the next time you met them professionally—

Mr. COHN. No.

Senator MUNDT. "You shouldn't have said this or that. This would misrepresent it. This was going too far."

Mr. COHN. I recall no such inference.

Senator MUNDT. When did you first learn that they were unhappy about the nature of the publicity stemming from the press conferences following the executive meetings?

Mr. COHN. At these hearings, sir.

Senator MUNDT. You had never heard it before?

Mr. COHN. No, sir.

Senator MUNDT. Neither one of them had ever told you before?

Mr. COHN. No, sir.

Senator MUNDT. You are quite sure of that?

Mr. COHN. There had never been any challenge to the accuracy of anything which had been said by Senator McCarthy or myself, sir. I did say that they were unhappy about the whole thing and about the fact that the whole thing was being publicized, but on this narrow issue which they talked about and which you are questioning me about, whether they ever claimed there was any inaccuracy or misleading impression, I recall no complaint being made, sir.

Senator MUNDT. You mentioned that Adams, referring to Schine, used the term "hostage" to you more frequently than he used the term Schine, is that right?

Mr. COHN. Yes, sir.

Senator MUNDT. Are you sure of that?

Mr. COHN. That would be my best estimate, sir. That would involve counting up the number of times he mentioned, and I have no way of doing that. That would be my best estimate.

Senator MUNDT. But you are sure he used the term "hostage" a great many times?

Mr. COHN. I am sure.

Senator MUNDT. Not just 2 or 3 times.

Mr. COHN. Yes, sir.

Senator MUNDT. Let me ask you this, Mr. Cohn: You and Adams were pretty close social friends. You went around to prize fights and theaters together, to the Stork Club together, you had a lot of meetings together. What is your honest opinion as to what he meant by the term "hostage"? Was he using it in a facetious manner or was there something kind of ominous about the way he used the word "hostage"?

Mr. COHN. I think, sir, on a lot of occasions he used it in a facetious manner. I think on other occasions he might have been a little bit serious about it.

Senator MUNDT. In other words, your relationships with him were such that if he was going to use the word "hostage" it could well have been used in a friendly or facetious manner without indicating something really ominous was going to happen to Schine if you didn't do this thus, or didn't do just so?

Mr. COHN. It could have been; yes, sir.

Senator MUNDT. Was there a considerable amount of banter between you and Adams as contrasted, let us say, as between Adams and McCarthy, or you and Stevens? You people, you said, work at the same level. Were there things said in levity which in stark print might look pretty serious, if you reduced them to printing?

Mr. COHN. There is no doubt about that, sir, and I can give you examples.

Senator MUNDT. The word "hostage" might have been such an example?

Mr. COHN. It is very hard for me to read Mr. Adams' mind on that. He certainly could have used that word facetiously on a number of occasions, sir. I don't quarrel with that.

Senator MUNDT. Is it possible that some of the things that you said to Mr. Adams reduced to print looked a lot more ominous than they would appear with the inflection and the environment that obtained at the time they were said?

Mr. COHN. Surely, sir.

Senator MUNDT. In other words, you think that both of you might have talked to each other a little tougher than you actually meant the words to imply?

Mr. COHN. Senator Mundt, it wasn't just a question of tougher. It is just a question of taking normal conversation between two people and what they say and how they say it, and then if you try to put it down in the black and white and repeat it 6 months afterward, you just don't get the picture at all in a good many instances.

Senator MUNDT. Going to the matter of the tickets which you purchased or provided Mr. Adams for a theater and for a prizefight, I think the testimony was that 4 months after the tickets to the theater were purchased and 2 months after the tickets to the prizefight were purchased, he reimbursed you?

Mr. COHN. Yes, sir.

Senator MUNDT. I am not sure whether you testified as to whether he tried to pay you earlier or whether he did not.

Mr. COHN. On the theater tickets, sir, my recollection is he asked me about them earlier. I told him when I got them that when I knew how much they were, I would certainly tell him and I would certainly take the money. I do not recall any conversation about the prizefight ticket until the time he paid me for it, sir.

Senator MUNDT. Do you remember when he paid you for the prizefight?

Mr. COHN. Yes, sir. February 18.

Senator MUNDT. February 18?

Mr. COHN. Yes, sir.

Senator MUNDT. He paid you for the theater tickets at the same time?

Mr. COHN. He gave me all the money at the same time.

Senator MUNDT. I think you testified at that time he pressed the money upon you saying, "I may have to do something I don't want to do. I want to get this out of the way." Is that it?

Mr. COHN. That is the substance of it, sir.

Senator MUNDT. Did he imply what that something might be?

Mr. COHN. No, there were no details, sir.

Senator MUNDT. You testified that at the Fort Monmouth luncheon, where the irritations developed, where you said that you were angry, you testified, I believe, that at that time an effort was being made on the part of the Army to induce Senator McCarthy to issue a press release, which they had prepared.

Mr. COHN. Most of that had actually been the day before, sir, and then there was some more going up on the plane that morning.

Senator MUNDT. But the press release was to have been issued at the Fort Monmouth meeting?

Mr. COHN. That is right.

Senator MUNDT. It was not issued?

Mr. COHN. It was not.

Senator MUNDT. It seems pertinent to this inquiry to determine how much part you played in the nonissuance of that press release.

Mr. COHN. Yes, sir.

Senator MUNDT. What did you do to help dissuade him?

Mr. COHN. I carried messages back and forth.

Senator MUNDT. Between whom?

Mr. COHN. Mr. Adams and Senator McCarthy on the 19th. On the 20th I was completely out of the picture because they were talking directly.

Senator MUNDT. I will ask you this question under oath: Do you believe if you were not included in the Fort Monmouth trip at all, and stayed home and worked on the Harry Dexter White case, do you think Senator McCarthy would have issued that press release?

Mr. COHN. Do I think he would have issued it?

Senator MUNDT. Yes, sir.

Mr. COHN. I do not.

Senator MUNDT. You do not?

Mr. COHN. No, sir.

Senator MUNDT. You don't think you contributed in any way to the fact that the press release was not issued?

Mr. COHN. No, sir; I am sure, sir.

Senator MUNDT. Did you try to persuade the Senator not to issue it?

Mr. COHN. I did not, sir.

Senator MUNDT. I was interested in what Senator Potter said about what could have happened in regard to one phase of this case if the second or third time that you had talked to Mr. Stevens or especially Mr. Adams about Schine and his assignments, and his location and his commission, you had been given a reply which I think you should have been given, if they felt that this was improper, and they said "Look, young man, you stick to the work of your shop, we are going to run ours." As a matter of fact, I believe I testified under oath when Mr. Adams came to me and placed in juxtaposition two problems which were confronting him, I said, "As far as the Schine matter Johnny, that is a senseless story, because if there is anything to that you should have told Cohn and should tell him now, 'Peddle your own prunes, take care of your own shop, we are going to run the Army. We don't want you telling us things about the Army.'"

What if they had done that? What would you have done?

Mr. COHN. Well, sir, in that I don't think there was anything improper—

Senator MUNDT. Whether it was proper or not. Suppose they had said, "Keep out of this, we are going to run the Army, you run your committee." What would have been your attitude?

Mr. COHN. What could it have been? That would have been the

Senator MUNDT. My time has expired.

Senator McClellan?

Senator McCLELLAN. Mr. Cohn, let's revert to the document you held in your hand yesterday when I was interrogating you. Do you have it before you?

Mr. COHN. I have it right here, Senator McClellan, I have it.

Senator McCLELLAN. This is the document of charges made by you Senator McCarthy and Mr. Carr against Mr. Stevens, Mr. Adam and Mr. Hensel; is it not?

Mr. COHN. That is the answer we filed, sir; yes, sir.

Senator McCLELLAN. You call it an answer?

Mr. COHN. Yes, sir.

Senator McCLELLAN. As a lawyer, I am going to ask you if it doesn't contain charges. What do you say about it?

Mr. COHN. What we say about that, sir, we did not initiate the thing. What we did is—

Senator McCLELLAN. I didn't ask you who initiated it. I am asking you if this document, I am asking you as a lawyer, if it doesn't contain charges?

Mr. COHN. Sir, as we say right here, this document contains, "What we consider to be pertinent data." And so on. It was a recital.

Senator McCLELLAN. In pertinent data, don't you make charges? You can say "yes" or "no." You know as a lawyer they are charges don't you?

Mr. COHN. They could certainly be construed as that.

Senator McCLELLAN. They could so be considered and you considered them when you made them; didn't you?

Mr. COHN. No, sir. What we considered when we made them was a setting of the record straight, and giving the facts about what had actually happened.

Senator McCLELLAN. Let's go down this document and see if there are some charges in it, pretty serious ones, I think. Paragraph No. 1—let's take them as we come to them, in your paragraph that you have numbered 1—

Mr. COHN. Yes, sir.

Senator McCLELLAN. You state:

The most recent document furnished by Mr. Stevens and Mr. Adams contain allegations against the subcommittee and against me. Insofar as these allegations suggest the use of improper means, they are without basis in fact.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Now, that is referring to the document, that chronological document of events, that the Army had previously released to the press or released to the committee and had got to the press. That is the document you refer to, isn't it?

Mr. COHN. Yes, sir, that is the second Army document.

Senator McCLELLAN. Are you referring to the one that was filed with the committee?

Mr. COHN. Yes, sir. The specifications filed with the committee. I think they were 29.

Senator McCLELLAN. You state:

Insofar as the charge, the use of improper means, that is without basis in fact.

Mr. COHN. Yes, sir.

Senator McCLELLAN. You swear that is true, that it was then and is now without basis in fact?

Mr. COHN. Yes, sir.

Senator McCLELLAN. All right. Now, turn to your paragraph No. 2 and I quote from it:

...their attempt—

...that "their" refers to Stevens and Adams—

...their attempt to stop our exposure of the mishandling of Communist infiltration into the Army, Mr. Stevens and Mr. Adams—

Do you not charge there that they were making an attempt to stop our exposure of the mishandling of Communist infiltration into the Army? Is that not a charge?

Mr. COHN. They were, and we did say so, sir; yes, sir.

Senator McCLELLAN. It is a charge, then, isn't it?

Mr. COHN. Senator—

Senator McCLELLAN. You are a lawyer?

Mr. COHN. Yes, sir.

Senator McCLELLAN. And a good one.

Mr. COHN. Well, I don't know if I deserve that, sir.

Senator McCLELLAN. All right. Are you good enough at least to tell me whether that constitutes a charge against somebody? Does it?

Mr. COHN. What we tried to consider this, because we knew it was important—

Senator McCLELLAN. I am not asking you what you considered it, Mr. Cohn. What is it as a legal document? Is it not a charge?

Mr. COHN. It is a statement by this committee—

Senator McCLELLAN. If you want to leave the record that way, it is all right by me, but you and I both know it is a charge of misconduct. I want to ask you whether you consider what that statement

says as being improper conduct on the part of Mr. Stevens and M. Adams.

Mr. COHN. I would say it could be considered that; yes, sir.

Senator McCLELLAN. You would say it could be considered?

Mr. COHN. Yes, sir.

Senator McCLELLAN. You have been able to answer questions he and go into the future and say what would have happened on some contingency. Don't you know that is a charge of improper conduct on the part of Mr. Adams and Mr. Stevens?

Mr. COHN. I would say certainly, sir, this committee could construct—

Senator McCLELLAN. Could? Can you tell us any other construction that could possibly be placed on it?

Mr. COHN. Sir, that is for the committee.

Senator McCLELLAN. You don't want to say?

Mr. COHN. No, sir.

Senator McCLELLAN. You prefer not to?

Mr. COHN. No, sir, I will tell you what happened and what they said and what they did.

Senator McCLELLAN. All right. It has happened; here it is. I am asking you if you consider it a charge.

Senator McCARTHY. Mr. Chairman, may I ask that Senator McClellan let the witness finish his answer?

Senator McCLELLAN. If I have interrupted this witness, the whole world has seen it and I haven't. I have simply asked him the question. Have I interrupted you?

Mr. COHN. No, sir.

Senator McCLELLAN. All right. Thank you. Now let's proceed.

Mr. COHN. Sir, on this question of charge, I will use any word you want me to—

Senator McCLELLAN. I don't want you to use any except what you want to swear to.

Mr. COHN. What I want to swear to, sir, is that this is a true and accurate recital by us of events which had occurred in the course of our relationship with Mr. Stevens and Mr. Adams.

Senator McCLELLAN. All right, let's go down a little further now. In the same paragraph, No. 3, at the conclusion of it, still referring to Mr. Adams and Mr. Stevens, I read:

They should further be instructed to tell the subcommittee once and for all who is pulling the string—

for what?

To protect those who in turn have protected fifth amendment Communists.

Do you regard that as a charge?

Mr. COHN. That is Senator McCarthy's language, sir. I think it is good language.

Senator McCLELLAN. It may be true language. I don't know. I am trying to find out the truth.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Do you regard that as a charge against them, that they are coddling Communists?

Mr. COHN. I consider that to be a request and a statement of fact.

Senator McCLELLAN. The statement of fact is a charge that they are in effect coddling Communists, is it not?

Mr. COHN. You could certainly construe it that way.

Senator McCLELLAN. It could be construed that way?

Mr. COHN. Yes, sir.

Senator McCLELLAN. You meant it to be construed as such, didn't you, when you filed it?

Mr. COHN. Senator McClellan, maybe by saying something here I can save a lot of time in the future on this one word "charge." This whole thing—

Senator McCLELLAN. We may not save much time on it, because I am going to treat it as a charge.

Mr. COHN. If you want to treat it as a charge—

Senator McCLELLAN. You may treat it as something else.

Mr. COHN. The point I wanted to make is this, sir: This whole thing, of course, has held up the work of this committee for a period of months.

Senator McCLELLAN. You were instructed to submit charges and specifications by this committee. This is what you have submitted, and I treat it as a charge.

Mr. COHN. Specifications.

Senator McCLELLAN. If that statement was made against you, wouldn't you consider it a charge?

Mr. COHN. I certainly might.

Senator McCLELLAN. I think you would.

Mr. COHN. These are specifications, sir.

Senator McCLELLAN. I understand.

Mr. COHN. Right.

Senator McCLELLAN. But a specification is based upon a charge, is it not? As a lawyer, don't you know that?

Mr. COHN. Sir, in order—I don't want to be—

Senator McCLELLAN. You don't want—

Mr. COHN. I don't want to appear to be quarreling about a technicality.

Senator McCLELLAN. I wonder why you are.

Mr. COHN. I will tell you why, sir. I want to make it very clear to everybody that these hearings were not brought about by us.

Senator McCLELLAN. Well, I didn't ask you that. Everybody knows how the hearings were brought about already. But we are on these charges now, either proving them or disproving them. That is what I am trying to do.

Mr. COHN. Yes, sir. I will answer every question you ask me and stand by every statement in here which I made.

Senator McCLELLAN. That is what I want you to do, and that is what I am trying to get you to do, but I construe it as a charge, and if you want to tell this committee now that you do not construe it as a charge, you have a right to do so.

Mr. COHN. I would say, sir, then, that I construe it as specifications setting forth the details of our relationship with Mr. Stevens and Mr. Adams, which were filed by us with the committee at the direction of the committee.

Senator McCLELLAN. All right. Do you take it that this detailed statement has the effect of charging Mr. Stevens and Mr. Adams with abetting Communists? You have been after these Communists, and I am trying to find out if we have somebody up there at the top

coddling them. Mr. Stevens and Mr. Adams mean nothing to me in this thing, and if you have made a charge here that is true and we can substantiate it, the quicker we can do it the sooner we can get through with these hearings.

Mr. COHN. The point is, you say "coddling Communists." I think in our last paragraph we make pretty clear just what we think they did. I am sure Mr. Stevens and Mr. Adams——

Senator McCLELLAN. Let's go just a little further in this same paragraph. Turn over there and let's read it.

Mr. COHN. Yes, sir.

Senator McCLELLAN. I read another sentence from this same paragraph:

"The report"—"The report" is in quotations here, indicating the report, I assume you mean the report of the chronological events.

Mr. COHN. Sir, is this paragraph 3?

Senator McCLELLAN. Yes, sir, as it is numbered here—no, it is No 4, I am sorry, the next paragraph.

Mr. COHN. Yes, sir.

Senator McCLELLAN. I read the statement:

The report has had—

and I call your attention to the next word—

the planned effect of derailing the inquiry into security matters pertaining to Communist infiltration in the Army and into Secretary Stevens' administration thereof.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Then it was a planned, premeditated act of theirs, the issuing of this report, to get this committee to stop investigating the Army. Is that correct?

Mr. COHN. I believe, sir, that that is certainly one of the important reasons why this was all done; yes, sir.

Senator McCLELLAN. That is the statement made here, and you now testify under oath that that is true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. All right, let's go to the next one, paragraph 4, as you have them numbered. I call your attention to the first sentence in that paragraph:

As further evidence of the dishonesty of the attack upon my staff issued through Mr. Stevens and Mr. Adams, I call to your attention

and so forth.

Senator McCARTHY. What page are you on?

Senator McCLELLAN. This is your mimeographed copy, and I am on the third page of it. I don't know whether yours corresponds.

Senator MUNDT. The Senator's time has expired.

Senator McCLELLAN. We will get back to it sometime today.

Mr. COHN. I will keep the place.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Mr. Cohn, what was General Reber's rank when the first representations may have been made with respect to David Schine, do you recall?

Mr. COHN. I can't honestly state, sir. I think he is a major general.

Senator DIRKSEN. He is a major general now?

Mr. COHN. Yes, sir.

Senator DIRKSEN. I wonder whether at that time he was a brigadier general?

Mr. COHN. I just don't know that, sir.

Senator DIRKSEN. Mr. Chairman, I direct this particularly to Mr. Welch, who needs no aid, of course, from my feeble talent, but I want to be sure, at least so far as the Junior Senator from Illinois is concerned, that no misimpression may have been created as to how an application or the manifestation of an interest in a commission in the Army is handled in my office, because when I get a letter from somebody out home it is processed. Whether he comes to see me or not doesn't make any difference. Every interest that is manifested is given the same kind of attention. So if it is a youngster who lived on a farm or elsewhere who thinks he has the necessary qualifications for a commission, it is put in the mill. So he might say that insofar as my feeble effort might be considered as highpowered, that he has a Senator in his corner.

Then I proceed to process this in the same manner. If it is an Air Force commission, I talk to General Kelley. If it was an Army commission I talk to General Reber. I think on occasions I have talked to Colonel Houck. I have talked to others.

So always I try to enlist whoever the liaison officer was on the Hill, whether he a colonel or a brigadier general or a major general. I certainly want the people in my own State to know that every one of those applications receives good attention, and we do the very best we know how for it. So at least they can say they had a Senator and a general in their corner, even though the interest came in the form of a letter indicating they would like to have a commission in the Army, Navy, or Air Force.

That is all, Mr. Chairman.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Mr. Cohn, there has been some reference during the course of the hearings to the lack of staff and not adequate staff personnel. Let me ask you this question: I have just recently learned that there are some extra staff personnel working for the subcommittee on investigations that are not paid by the committee. Is that correct?

Mr. COHN. If it is, it is the first I have heard about it.

Senator JACKSON. In other words, there isn't anyone—all the people who are working for the subcommittee on investigations are employees of the Senate? I mean, Mr. Schine was not an employee of the Senate. He was a nonpaid consultant. I just want to get the information.

Mr. COHN. As far as I know, sir, everybody is an employee. There are undoubtedly a lot of people we have digging up information for and things like that who are not employees, who furnish things to the staff.

Senator MCCARTHY. May I, Mr. Cohn, for Senator Jackson's benefit—I think I have one or two people on my office payroll who are working full time for the committee. That is because of the limited budget which we have. I am not sure of that. We did have a Mr. Coffey who was paid from my office working full time on the committee. I think there is also one secretary. I am not sure.

Let me explain, if I may, the reason for that, which is that we have a very limited budget, and where I had a surplus in my office payroll

I would put someone on that payroll and have them work on the investigating committee. I will be glad to give you all the details on that.

Senator JACKSON. I am referring only to the subcommittee. I am not referring to your office.

I understand, then, that all people working on the Subcommittee on Investigations, staff people, are either employees of the subcommittee or are lent from Senator McCarthy's office.

Mr. COHN. Certainly, as far as I know.

Senator JACKSON. There are no employees who are volunteering or people as volunteers or paid out of private funds?

Mr. COHN. Not that I know of, sir.

Senator JACKSON. I just wanted to get the record straight on it.

Now, Mr. Cohn, I think in the last go round, my 10 minutes expired when we were talking about the filing system.

Mr. COHN. Yes, sir.

Senator JACKSON. You said the filing system was changed in 1952. Would you explain wherein the filing system was changed?

Mr. COHN. I didn't mean to say so much, sir, that the filing system was changed. I think just about everything was changed. A new chairman came in, a new committee—

Senator JACKSON. I was just asking about the filing system. I know all know there was an election in 1952. That is a matter of public notice. I have no objection. I managed to survive in 1952. I am not objecting to all of the election in 1952.

Mr. Cohn, would you explain wherein the filing system was changed?

Mr. COHN. No, sir, because I cannot.

Senator JACKSON. Well, I understand that the filing system has been the same since 1947, which was, I believe, a Republican year. How could anyone—I looked at this Crouch document, I just took that as an example, and you say that all of these things are in the files and we could find them—how could anyone, either our minor counsel or member of the Senate that serves on this committee, find that document?

Mr. COHN. As I said, sir, I think the way there would be if a member of the committee contacted me and asked what preliminary investigations we had or specifically whether we had anything on Communist infiltration in the Army, I would tell him about it and if he said, "Let me see the files on it," I suppose we would bring up the files on it or he would come down and look at it.

Senator JACKSON. The point has been made in the hearings throughout was all that a member of the committee would have to do would be to come down and look for it. How would you find the Crouch document for the presentation of that document in evidence?

Mr. COHN. That would be under, I am sure, sir, Communist infiltration in the Army. I think the document is entitled Communist infiltration in the American Armed Forces.

Senator JACKSON. Isn't it true that under the filing system that has been in effect since 1947 that all of these documents are marked with references and tab numbers?

Mr. COHN. I don't believe so.

Senator JACKSON. Isn't that the practice in the filing of the committee?

Mr. COHN. As I say, sir, I am not familiar with the filing. I have never had any trouble in getting documents or papers that I need in work. I don't know about a tab system. I don't know that one exists.

Senator JACKSON. I wouldn't have raised this question, except that it was raised in the hearings and that all of us are supposed to know where these things are. I must say that I was very careful to look for that document, because I had understood from you in your testimony earlier that the Crouch document was one of those critical items that set off the investigation of the Army. It was for that reason I wanted to know about it, because it was the first I had heard of the Crouch document. At least, it was never called to the attention of any member of the subcommittee.

Now, do I understand that that document was filed at all times with the subcommittee in the subcommittee offices and what was it filed under?

Mr. COHN. I am sure it was filed at all times, sir; exactly what it was filed under, I don't know. I can find out for you. It would be under—I can just guess, the logical thing would be under Communist infiltration of the Armed Forces or under something along those lines.

Senator JACKSON. Would you find out what it was filed under?

Mr. COHN. Sure. I will be glad to, sir.

Senator JACKSON. And would you also supply for the committee the index on which documents are filed? I mean a statement. This is very important, Mr. Cohn.

Mr. COHN. Yes, sir. I am not minimizing it.

Senator JACKSON. I never raised this question, but we have been at times and time again that we should have known about all of these things, because they are on file in the committee. I want to know for our own information just how we find things because, after all, when we are busy we can't go down and spend—and you would see it would take days to go through these files, unless we know the key to the filing system.

Mr. COHN. Sir, I don't think any Senator is expected to go down and go through the files or anything like that. I would assume he would contact a staff member.

Senator JACKSON. It has been stated here that we should have known about these things. You say we could have found out. You know no Senator should. But I am basing this on the testimony and statements made in the hearing that we should know about these things.

Mr. COHN. As I understand it, sir, I don't think anyone expects a Senator to go down and start going through all the files, to know every letter and document and memoranda in there. I think, sir, the way it would usually be done, is if a Senator wanted to know about something, he would communicate with a staff member and the staff member would bring him what he wants.

I know different Senators have different methods. I know Senator Smith, for instance, when he is not present during a hearing, during a recess or something like that requires us to send him a long summary of what happened at each session. I know we are very careful to see that that is sent to him.

I know Senator Dirksen and Senator Potter have representatives usually, when they cannot be present at hearings, and that those

representatives keep them abreast of what is going on, and deal with the staff, and keep the Senator advised. I suppose each one has a different way of keeping up with the subcommittee's work.

Senator JACKSON. I know, but when matters come up, obviously unless the Senators are informed they can't be down and on a fishing expedition, going through the files. So it would be pretty difficult to just make a run down through the files every month or so to find out what is in the files. I am sure you would agree with me on that. As a practical matter, it would be impossible, would it not?

Mr. COHN. I would say it would be difficult, sir.

Senator JACKSON. The reason I am pursuing this line of question I am sure you are fully aware, Mr. Cohn, is that as I understand the testimony, the Army investigation started in February or March.

Mr. COHN. Yes, sir.

Senator JACKSON. To my knowledge, at least I did not receive any information that such an investigation was underway, nor did I have any information of the seriousness of these charges. And I think that it is very important in connection with the charges and countercharges made in connection with this hearing.

Now, can you tell us what document started the Army inquiry?

Mr. COHN. No, sir.

Senator JACKSON. You can't?

Mr. COHN. There was no one document that started that or any other inquiry, sir, as far as I know.

Senator JACKSON. There was no particular thing that set it off, but it did start in February?

Mr. COHN. Yes, sir.

Senator JACKSON. What in February started it?

Mr. COHN. Well, I can't tell you what started it, sir. It happened this way: We will get information from various sources about a situation. We will get documents, frequently. And when there is enough there, we will start a preliminary investigation, which I believe is under the direction of the chairman.

There are a number of those going at all times. I can tell you some of the incidents relating to the beginning of this preliminary investigation of Communist.

Senator JACKSON. Tell us what started it in February.

Mr. COHN. Well, one of the first things I remember, sir, is we were contacted by an officer in the Army, who told us about certain situations existing with regard to the use of pro-Communist literature and the presence of subversives in the Military Establishment.

Senator JACKSON. It was an officer informant? You say an officer?

Mr. COHN. Yes, sir; he was an officer and communicated with the committee, sir.

Senator JACKSON. Verbally?

Mr. COHN. Yes, sir. He communicated with us. I don't know what the preliminary steps were, but I know there did come a time, I think it was late in February, when some of the staff members had an extended interview with this officer.

Senator JACKSON. But did he supply any documents or material?

Mr. COHN. I don't recall whether he did or not.

Senator JACKSON. When did—

Mr. COHN. I know we talked to him. I have a very clear recollection of that.

Senator McCARTHY. Senator, I wonder if you would yield for just minute?

Senator JACKSON. As long as it is not out of my time.

Senator MUNDT. Time out for the Senator's point.

Senator McCARTHY. I wonder if you would yield for just a minute. I would like to have the record very clear that all preliminary investigations are started by the chairman of the committee. Last year we had four hundred and fifty-some-odd investigations. No hearings were held until the time comes that I think the matter is of sufficient importance to disturb the other Senators with it, and then I call a meeting of the committee and we decide to hold a hearing. On the Army investigation, we followed the usual procedure. In that case, after the investigation had proceeded for several months we held a meeting of the committee and decided to hold the hearing. That was not done by the Chair. The Chair never takes it upon himself to hold any public hearings on the authority of the committee; but I do, Senator, whenever I get a complaint from any Senator or anyone else which seems to have any merit, I ask the staff to run it down. I think last year we had some four hundred and fifty-odd preliminary investigations, Mr. Cohn?

Mr. COHN. There were a lot of them, sir.

Senator McCARTHY. Pardon me for interrupting.

Senator MUNDT. Time back in.

Senator JACKSON. I am fully aware of the rules, and you are right to start preliminary investigations. That is understandable in connection with any investigating committee. But the seriousness of the situation here is obvious. The statement has been made under oath—I believe you testified to it—that you received information in April—was it April?

Senator McCARTHY. April or May.

Senator JACKSON. From a young officer that there were 35 subversives at Fort Monmouth. That is pretty rough. That is the important radar laboratory of the country. That was in April.

Let me just finish.

It wasn't until September that hearings got under way. I am greatly concerned why the delay from April until September. I think that is a fair question.

Senator McCARTHY. Could I correct the Senator. I testified the other day that in April or May, or thereabouts, I got this summary of the FBI report warning of the existence of subversives at Fort Monmouth. At that time I don't believe we had the figure 35. I don't think the testimony will show that. But it does take months, Senator, from the time you first get a serious complaint until you arrive at a point where you can hold public hearings. After I get the complaint I must first have the staff run it down. Then I must get the permission of the committee to hold hearings.

I did that in this case. The Senator from Washington, for reasons which he considered good and valid, was not on the committee at that time, so I took the matter up with the four Senators who were on the committee at the time when I thought we were ready to hold hearings, and gave them a complete report on this matter.

Senator JACKSON. Yes, but let me refresh my recollection—

Senator MUNDT. Time back in.

Senator JACKSON. Of the testimony. My recollection was that in this now famous two and a quarter page document, there were about 35 names listed, and on it they had, what was it, I think "R" for Russian espionage agent.

Senator McCARTHY. Correct.

Senator JACKSON. If this information was obtained in April or May, wouldn't the alert thing to do be first immediately to advise the members of the committee? This is pretty serious. Have we had anything as serious as this so far?

Senator McCARTHY. Oh, yes. I think we have something much more serious right now. Right at this moment.

Senator JACKSON. I am talking about prior to this hearing.

Senator McCARTHY. May I answer that question, Mr. Chairman?

I think we have a much more serious situation now in Communist infiltration of the CIA. It disturbs me beyond words.

Senator JACKSON. The members of the committee have not been advised.

Senator McCARTHY. Oh, yes, they have.

Senator JACKSON. The names of the people involved.

Senator McCARTHY. I have discussed this matter with the members of the committee. I have also discussed with the members of the committee the question of Communist infiltration of atomic and hydrogen bomb plants. I felt that was I think even more important than this infiltration at Monmouth.

Senator MUNDT. The Senator's time has expired.

Senator JACKSON. In view of this one point, may I finish?

May I have from the files all the memos and meetings and minutes with reference to this matter so we on the committee can be fully informed?

Senator McCARTHY. You certainly may, Senator. You certainly may.

Senator MUNDT. The Senator's time has expired. May the Chairman remind—

Senator JACKSON. May I say the interrogation and questioning didn't get around to Mr. Cohn, but we will get to that on the next go-around.

Senator MUNDT. The Chair would like to remind Mr. Cohn that through the noon hour he is supposed to provide to Counsel Jenkins the list of the calls on which we desire to get information from Mr. Lucas so we can find out from Mr. Brownell whether he will O. K. the for admission.

We are adjourned until 2 o'clock.

(Whereupon, at 12:30 p. m. the committee was recessed, to reconvene at 2 p. m. the same day.)

INDEX

	Page
ams, John G.-----	1858, 1860, 1862, 1863, 1867, 1872-1875, 1882, 1883, 1890-1898
Administrator of the Voice of America-----	1868
Force (Office of Special Investigations)-----	1872
Force (United States)-----	1872, 1899
American Armed Forces (Communist infiltration)-----	1867,
	1872, 1882, 1898, 1900, 1901
ny (Communist infiltration)-----	1872, 1882, 1895
ny (United States)-----	1858, 1865,
	1871-1875, 1881, 1882, 1888-1890, 1893-1895, 1899-1903
ny Intelligence (G-2)-----	1875
ny Radar Laboratories (Fort Monmouth)-----	1871, 1903
ny Transport Service-----	1865
omic bomb plants (Communist infiltration)-----	1904
orney General-----	1863, 1864, 1868, 1904
tain-----	1881
ownell, Mr.-----	1904
r, Francis P.-----	1874, 1894
ler, Emanuel-----	1883
eller asks probe of McCarthy spy network" (newspaper item)-----	1883
tral Intelligence Agency (CIA)-----	1904
A (Central Intelligence Agency)-----	1904
in, Roy M., testimony of-----	1858-1904
n's law firm-----	1870
eman, Aaron-----	1890
amunist conspiracy-----	1883
amunist infiltration in the Army-----	1867, 1872, 1882, 1895, 1898, 1900, 1901
amunist infiltration of atomic and hydrogen bomb plants-----	1904
amunist Party (Germany)-----	1885
amunist Party (United States)-----	1883-1885
amunist pledge-----	1885
amunist publications-----	1884
amunists-----	1867, 1872, 1876, 1877, 1880-1885, 1895-1898, 1900-1902, 1904
gress of the United States-----	1866, 1871, 1872, 1875, 1876, 1878, 1879
gressional committee-----	1877, 1879
gressman-----	1877, 1884, 1889
stitution of the United States-----	1876
uch, Paul-----	1870, 1871, 1872, 1900, 1901
uch document-----	1871, 1872, 1900, 1901
nselor to the Army-----	1858, 1860,
	1862, 1863, 1867, 1872-1875, 1882, 1883, 1890-1898
ran, Mahoney, Cohn and Stim (law firm)-----	1870
ly Worker-----	1883, 1884
ense Department-----	1878
ocrat-----	1870, 1883
ocratic leader-----	1870
artment of the Army-----	1858,
	1865, 1871-1875, 1881, 1882, 1888-1890, 1893-1895, 1899-1903
artment of Justice-----	1868, 1875, 1878, 1883
artment of State-----	1867, 1880, 1885
sen, Senator-----	1901
coll, Mrs. Mary-----	1858
y, Mr.-----	1899
orshak, Senator-----	1884, 1889
ope-----	1880, 1881, 1884, 1885
European newspapers-----	1880

European tour	1
Executive branch of the Government	1
Executive order	1862-1
FBI reports	1866, 1875, 1
Federal Bureau of Investigation (FBI)	1866, 1875, 1876, 1878, 1
Federal employee	1875-1
"Flanders Likens McCarthy to Hitler" (newspaper headline)	1
Foreign Service	1
Fort Monmouth	1871, 1874, 1875, 1881-1883, 1890, 1893, 1903, 1
Fort Monmouth radar laboratories	1871, 1
Four-F (military physical classification)	1
France	1
G-2 (Army Intelligence)	1
German Communist Party	1
Germany	1881, 1
Government employee	1875-1
Hensel, H. Struve	1
Hickenlooper, Senator	1
HICOG (Germany)	1
HICOG (Public Affairs Office)	1884, 1
Hill (Capitol Hill)	1889, 1
Hiss, Alger	1
Hitler	1883, 1
Hitler-Stalin pact	1
Horowitz, Mr.	1860, 1
Houck, Colonel	1
House Un-American Activities Committee	1876, 1
Hydrogen bomb plants (Communist infiltration)	1
Internal Security Committee (Senate)	1876, 1
Italy	1
Jackson, Senator	1
Johnson, Dr.	1
Justice Department	1868, 1875, 1878, 1
Kaghan, Theodore	1884, 1
Kelley, General	1
Kennedy, Mr.	1859, 1
Lawton, General	1860, 1862, 1
Legislative Reorganization Act of 1946	1866, 1
Loyalty board channels	1
Lucas, Mr.	1862-1864, 1
Mahoney (<i>see also</i> Curran, Mahoney, Cohn, and Stim)	1
Mahoney (State senator of New York)	1
Marcantonio, Vito	1
McCarthy, Senator Joe	1860, 1861, 1863-1866, 1869, 1870, 1874, 1
	1879, 1881, 1883-1885, 1887-1891, 1893, 1896, 1899, 1900, 1903, 1
McGranery, Attorney General	1
Maner, Mr.	1859, 1
McClellan, Senator	1
Members of Congress	1
Military Establishment (subversives)	1
Monitored calls	1853-1
Moscow	1
Mundt, Senator	1
National Guard (New York State)	1864, 1
Naval Intelligence Office	1
Navy (United States)	1875, 1
New York City	1870, 1873, 1874, 1882-1
New York National Guard	1864, 1
New York State	1864, 1865, 1868, 1870, 1
New York State Senate	1
Newspapers (Europe)	1
Nye committee	1
Office of Special Investigations (Air Force)	1
Pentagon	1
Peress, Major	1
Political Affairs (publication)	1
Potter, Senator	1894, 1
President of the United States	1

III

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**SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR**

HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

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PART 49

JUNE 2, 1954

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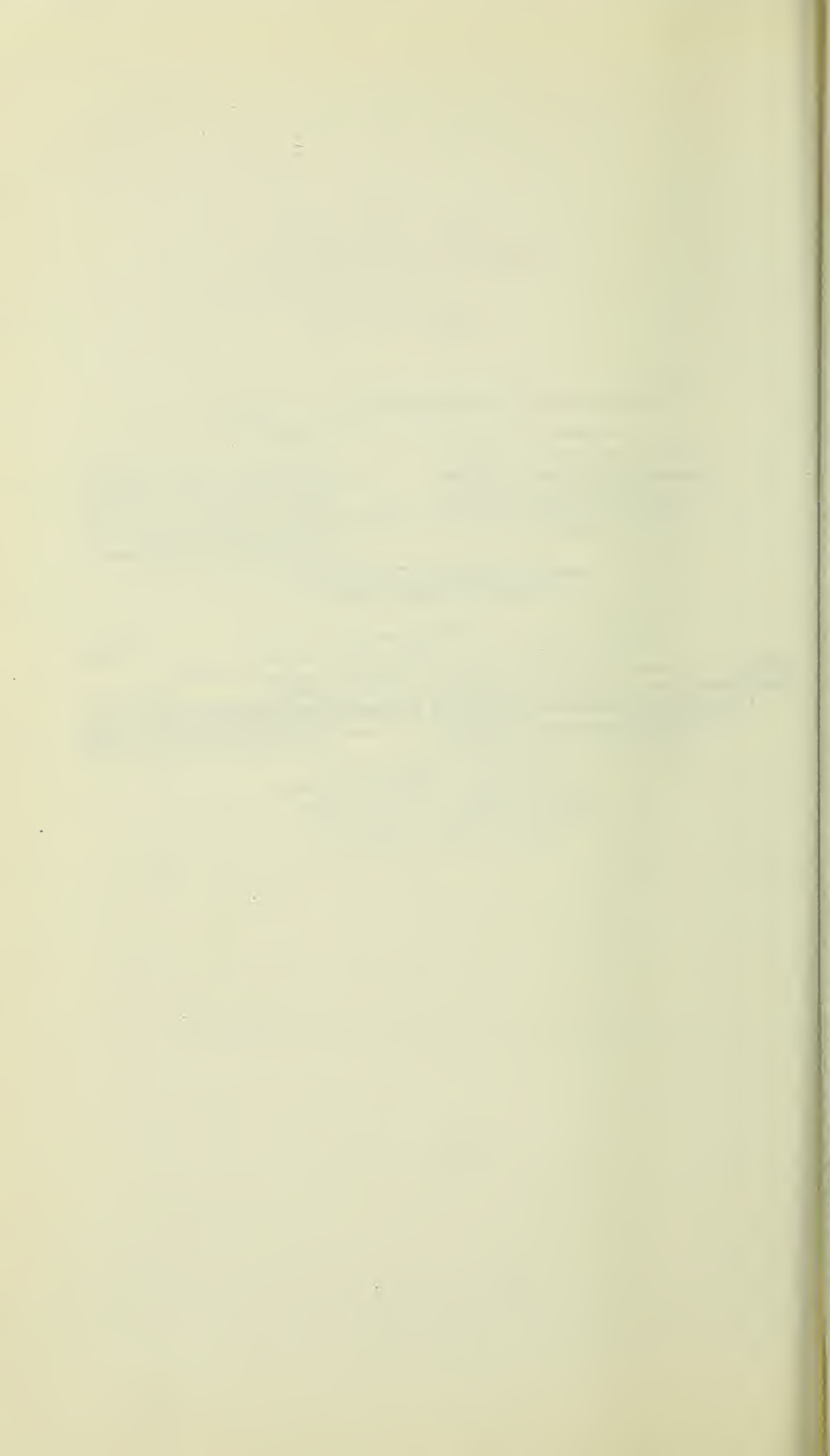
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CONTENTS

	Page
Index -----	I
Testimony of—	
Cohn, Roy M., chief counsel, Senate Permanent Subcommittee on In-	
vestigations -----	1906
	III



SPECIAL SENATE INVESTIGATION ON CHARGES AND
COUNTERCHARGES INVOLVING: SECRETARY OF THE
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

WEDNESDAY, JUNE 2, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF
THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

AFTER RECESS

The hearing was resumed at 2:10 p. m., pursuant to recess.

Present: Senator Karl E. Mundt, Republican, South Dakota, chairman; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will please come to order.

The Chair would like to call the committee to order and begin by welcoming our guests, who appear to be here in unusually large numbers this afternoon, and to tell you that we welcome you as committee guests at these hearings, and to call your attention to the standing committee rule with which I am sure many of you are familiar, but those who are here for the first time may not know about it. We have a standing committee rule forbidding any manifestations of approval or disapproval of an audible nature from any members of the audience at any time, and the uniformed officers whom you see before you and the plainclothes people seated in the audience have instructions from the committee to remove from the committee room immediately, firmly but politely, without further instructions from the Chair, any of our guests who, for reasons best known to them, elect to violate the conditions under which they entered the room as our guests.

Our audiences have been magnificent and uniformly courteous. We expect them to maintain that fine standard of decorum.

As the meeting was recessed this morning, we had concluded a 10-minute go-around as far as the Chairman, Senator McClellan, Senator Dirksen, and Senator Jackson were concerned, and Senator Potter is the next Senator to be recognized by the Chair for 10 minutes of questioning.

Senator Potter?

Senator McCARTHY. Mr. Chairman, could I answer now a question which was raised by Senator Jackson this morning? I couldn't answer it then. He asked the question whether or not we had people on the committee who were not being paid. I can tell him now that the only person working on the committee who is not on the committee payroll is a Mr. Ernie Abelson, who is on my personal payroll, working on the committee. The reason for that is because the budget of the committee will not allow the additional individual, and we felt he was necessary as an investigator.

Senator JACKSON. My question, Senator, related to a rumor or a matter that had been called to my attention, that there had been individuals who were not either on your office payroll or on the staff of the committee as employees. I want to get it clarified. Do I now understand that the only ones working on investigations for the committee, for the staff, are those who are regularly appointed and on the payroll, plus this one individual from your staff?

Senator McCARTHY. That is correct.

Senator JACKSON. There are no others?

Senator McCARTHY. May I say, Senator Jackson, it is a perfectly proper query on your part. I don't question it at all. The only individual working full-time for the committee is Mr. Abelson, who is on my personal payroll. My office staff obviously, of course, works with this.

Senator JACKSON. Are there any part-time—

Senator McCARTHY. No part-time people. That is correct, isn't it, Roy?

Mr. COHN. As far as I know, sir.

Senator MUNDT. That colloquy having been concluded and the Senate bell sounding the alarm for a rollcall, we will stand in recess for 10 minutes while we answer the rollcall, and then we will revert to Senator Potter.

(Brief recess.)

Senator MUNDT. The committee will come to order.

Just having concluded two rollcall votes in the Senate, it appears we will have some time now, at least, for committee sessions before there is another vote. We will start in, this time, again with Senator Potter, who is the first man in line to ask questions for 10 minutes.

You can catch your breath, Charlie.

Senator POTTER. Mr. Chairman.

Mr. Cohn, you worked in the executive branch of the Government prior to coming with this committee, which is a part or arm of the legislative branch of our Government.

Mr. COHN. Yes, sir.

Senator POTTER. Do you agree with me that the Communists would do everything possible to endeavor to infiltrate our Government service?

Mr. COHN. I do, sir.

Senator POTTER. Do you agree with me that even 1 Communist, or a subversive, in our Government is 1 too many?

Mr. COHN. I do, sir.

Senator POTTER. Do you also agree with me that there is no monopoly on hating communism?

Mr. COHN. I do, sir.

Senator POTTER. And do you agree with me that the President of the United States, who has performed a great heroic service for his country——

Mr. COHN. I am sure he has.

Senator POTTER. Is as opposed to communism as you or I?

Mr. COHN. I am sure of it, sir.

Senator POTTER. And that he would do everything possible to rid the Government service of a Communist that would come to his attention in the Government service?

Mr. COHN. Yes, sir.

Senator POTTER. And that other members of the executive branch of Government, including Mr. Brownell, our Attorney General, have never been known as being Commie coddlers; is that correct?

Mr. COHN. I am sure of it, sir.

Senator POTTER. And that the Secretary of the Army, Mr. Stevens, also has and is opposed to Communists in Government?

Mr. COHN. I am sure he is.

Senator POTTER. The reason I am asking these questions is that I have had, and I assume that other members of the committee have had, many letters and inquiries from people who believe that the Government is honeycombed with Communists and security risks. With your vast experience both in the executive branch of Government working in this field and as chief counsel of this committee, I would like to have your comment as to the extent of Communist influence in our Government.

Mr. COHN. Yes, sir. It can only, of course, Senator Potter, be a comment, because I don't know all of the facts.

Senator POTTER. That is right, within your knowledge.

Mr. COHN. I would say this, sir, as you very correctly stated, one of the principal objectives of the Communist conspiracy in this country and every country throughout the world, is infiltration of government, the military.

Senator POTTER. I am sorry, I didn't——

Mr. COHN. I said you were very correct before when you stated that one of the principal objectives of the Communist conspiracy in this country as well as throughout the world is the infiltration of the governments, of the free governments, of the world. They try to bring about the downfall of those governments from within. They try to get people in there to commit acts of espionage and sabotage within, in times of peace, and in times of war or revolution they try to use those people in government to help bring about the downfall of the free government and bring about a dictatorship of the proletariat under the world Communist conspiracy.

Now, sir, on the extent of this Communist infiltration, during the 1930's and 1940's, the Communist Party of the United States was, I would say, remarkably and unbelievably successful in placing Communists in a number of key spots in our Government. I would say

that probably if you want to look at it from the standpoint of numbers, the numbers might not be of the staggering variety. But, sir, you made another point which is a key to this. You said one is too many.

One is too many. I think Stalin or Lenin, one of the top Communist theoreticians, once said it takes—something to the effect that it takes a thousand people to build a bridge; it takes one person to blow it up.

Senator POTTER. In other words, what you are saying is that both branches of the Government should be ever vigilant on this question of communism?

Mr. COHN. They have to be, sir, because the Communists will be ever vigilant in trying to infiltrate. They will not give up. They will always keep working to get their people into various Government agencies and defense plants.

Senator POTTER. Let me ask you this question: Isn't it true under our present Selective Service Act that there is no provision for dealing with Communists insofar as implementing the work is concerned? In other words, it is not a basis of exemption because a person belongs to the Communist Party, is that correct?

Mr. COHN. No, sir. I would say unless there has been a felony conviction under the Smith Act, it is a problem under the present law for the Army rather than for the Selective Service System.

Senator POTTER. Would you agree with my contention that a man who advocates the overthrow of our Government by force and violence and who refuses, either by using the fifth amendment or refuses to answer that statement at the time he is to be drafted, that that man is not fit to wear the uniform of his country?

Mr. COHN. Yes, sir; I do.

Senator POTTER. I have contended that I think it is a problem that Congress will have to deal with and establish the policy that a person who belongs to the Communist Party is not fit to wear the uniform. We should have a separate classification so that wherever he goes, when he has to present his credentials of draft status, that that man will be known as a man who is not fit to wear the uniform because he is disloyal to his country.

Mr. COHN. Yes, sir.

Senator POTTER. I have no further questions.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Mr. Chairman, first could I ask if the committee has yet got the Schine memos?

Mr. COHN. Yes, sir. I might say, Mr. Chairman, during the lunch hour I met with the minority counsel, Mr. Kennedy, and Mr. Charles Maner, of Mr. Jenkins' staff, at which time I displayed to both of them the files and memos and everything else. There are some problems in connection with them. I don't think there are too many. We thought of this suggestion. Maybe it was my idea. In any event, I will make it mine now, sir—

Senator SYMINGTON. Mr. Chairman, with all due respect to Mr. Cohn, in order to save my time, can he answer without taking all my time, inasmuch as this is a committee matter?

Senator MUNDT. That is perfectly all right. Time out.

Senator SYMINGTON. Thank you.

Mr. COHN. All I can say, sir, is that we all thought—I will take full responsibility for it, though—if there could be an executive session meeting of the committee, of the regular subcommittee, we would bring in everything we have and we could just make a decision on what should be done right then and there.

I think that would settle the problem pretty quickly.

Senator JACKSON. Mr. Chairman, might I inquire, didn't we have the files yesterday? I am wondering what progress—they were all out in a box here.

Mr. COHN. Yes, sir.

Senator JACKSON. I thought we were supposed to have arranged by now that which was to be deleted. I don't understand.

Mr. COHN. Sir, there are 2 or 3 problems. Do you want me to go into that, sir?

Senator MUNDT. I think he should. I don't know what the problems are, either. What are the problems?

Senator JACKSON. We had the files here yesterday, and then the files were displayed again today. What is the progress?

Mr. COHN. The progress, first of all, Senator Jackson, is that we have had people going through the files and tabbing things done by Dave Schine, and also trying to tab things which reveal the names of confidential informants. Problems arise to this effect: The first question is how much of this material should be seen by Mr. Welch or counsel for Mr. Stevens and Mr. Adams. That question was asked by Mr. Kennedy. I think it is a good one. I don't know the answer to it.

Another question is: Just what do we do with the information which comes from confidential informants? Do we put that in a special box or file or category or inventory saying how many pieces of paper there are, and is that to become a part of the public record or merely to be available for inspection by members of the committee, with or without Mr. Welch?

We talked it over for a while. We had the files right there. We looked at some of them. I think we all came to the conclusion that if there could be an executive session of the committee and bring the material there so we would have before us just what we were talking about, the problem could be disposed of without wasting time in public session.

Senator JACKSON. Mr. Chairman, might I suggest this: Suppose now that the box of papers or files be turned over to you as chairman and be held until the committee has a chance to go through the various items, and then we dispose of it. Otherwise, it is hanging fire, and we are just delaying our proceedings here, and it is going to take us that much longer to ask questions later.

Mr. COHN. No objection, sir.

Senator MUNDT. It will be understood, then, that the box of material insofar as it has been removed from the files up to date will be turned over to Counsel Jenkins for his custody, under my direction, until we can have an executive meeting of the committee.

Mr. JENKINS. Mr. Chairman.

Senator JACKSON. Can any member of the committee—

Senator MUNDT. Mr. Jenkins.

Mr. JENKINS. It is my understanding that they were to be turned over to the chairman of the committee rather than to me.

Senator MUNDT. Very well. He can turn them over to me.

Mr. COHN. Very well, sir.

Senator MUNDT. I will deputize you to protect them.

Senator McClellan.

Senator McCLELLAN. A parliamentary inquiry, Mr. Chairman. I want to know if those files are being turned over now for the inspection of members of this committee.

Senator MUNDT. The Chair would assume that anything turned over to him as he said previously——

Senator McCLELLAN. I don't want an assumption. I want to know.

Senator MUNDT. Very well. The Chair will say, as he has said previously, and he reiterates now, anything turned over to him as information for this committee is available to any of the 7 members of the committee or to the 5 regularly appointed members of the staff.

Senator McCARTHY. Mr. Chairman, so there is no misunderstanding——

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. I will want to see what material is being turned over because the subpoena has been served on me. I will certainly turn over everything to the committee which has to do with Dave Schine and anything else this committee properly should have. I have requested that the minority counsel, Mr. Kennedy, a member of the committee staff, and a member of my staff go through the material and try to weed out what is not pertinent to this investigation. I don't know what progress they have made. May I say that I will want to see what is being turned over.

As I went through the material the other day I found personal letters to me, personal letters referring to other Senators which I would not want to make part of the public record without the Senator's permission.

So the material which would be made available is not all that is in that box. I would like to have Mr. Kennedy present. There is no question—if you can arrange that, Bob.

Senator MUNDT. All the Chair can say is that nothing has been turned over to him yet, but when it comes it is available to all the members of our committee.

Senator McCARTHY. Could I ask this: Mr. Kennedy, could you be available at 5 o'clock when we get through here, and you and I and Mr. Cohn and someone from Mr. Jenkins' staff once and for all can weed out the material and have it ready for tomorrow morning. Would you be available?

Senator MUNDT. Tom Prewitt will be available to join that quartet.

Senator McCARTHY. I will be available at 5 o'clock.

Senator MUNDT. Very well.

Senator McClellan, when the Chair gets anything it will be made available to other members of the committee.

Senator McCLELLAN. I don't mean only that, Mr. Chairman. I may decide that all hasn't been submitted that should be. I am not conceding now that everything is in that file that should be in it. I am certainly not going to risk the judgment of any one member or any one person necessarily to say what this committee shall see and what

it shall not see. I want that made very clear at this time, Mr. Chairman.

Senator MUNDT. The Chair thinks it perfectly appropriate, Senator McClellan, for you to join that quartet at 5 o'clock and satisfy yourself.

Senator McCARTHY. I would be more than happy to have Senator McClellan with us to go through this. Can you arrange that, John, to be with us?

Senator McCLELLAN. I think so.

Senator MUNDT. Very good. That settles that.

Senator SYMINGTON, the clock is running against you. You have 10 minutes.

Senator SYMINGTON. Thank you, Mr. Chairman.

Mr. Cohn, I think you and I are in complete agreement about the dangers of communism.

Mr. COHN. Yes, sir.

Senator SYMINGTON. You have spent a lot of time trying to build up America against it, and so have I. We may differ, however, on the best approach to it. I want to discuss a little bit more this question of classified data.

Mr. COHN. Yes, sir.

Senator SYMINGTON. I want to ask a few questions.

Do you believe it is important to maintain discipline in our armed forces to have an effective fighting force against these threats of Communist aggression?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Discipline in the Army requires that one obeys the orders of a superior officer, does it not?

Mr. COHN. Yes, sir.

Senator SYMINGTON. And you may have to obey orders even though you may disagree with them, is that correct?

Mr. COHN. Yes, sir.

Senator SYMINGTON. You agree with me, don't you, that it would not be able to fight a battle if everyone could do what he wanted in spite of his orders?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Now, I want to read you, Mr. Cohn, a quotation from the New York Times of May 13, reporting on the press conference on May 12, of the President of the United States, and I quote,

The soul of an army, the soul of a defensive force, was the certainty that everybody responded to the laws of the land, and to the order of the superiors, all the way up to the Commander in Chief. Assume otherwise, and how would you fight a battle?

Continuing the quote:

He would give an order to you people as division commanders or something of that nature, to carry out your part of the battle, and you decide that that isn't the thing to do. Well, whenever we got to adopting that theory in the military or in our civilian organization, we had better disband.

Do you agree with that statement of the President?

Mr. COHN. Certainly, sir.

Senator SYMINGTON. Now, the President was the supreme commander of the Allied forces in the European theater in World War II, was he not?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Well, we both know he did a good job, right?

Mr. COHN. Of course.

Senator SYMINGTON. He is now Commander in Chief of the Armed Forces?

Mr. COHN. Yes, sir.

Senator SYMINGTON. So an order given by him is an order from the highest officer in the Army, isn't it?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Now, I want to read you a portion of Executive Order 10501, entitled "Safeguarding Official Information in the Interest of the Defense of the United States," and this order became effective on December 15, 1953. [Reading:]

dissemination outside the executive branch. Classified defense information shall not be disseminated outside the executive branch except under conditions and through channels authorized by the head of the disseminating department or agency, even though the person or agency to which dissemination of such information is proposed to be made may have been solely or partly responsible for its production.

That is an order from the present Commander in Chief of the Armed Forces, is it not?

Mr. COHN. Yes, sir, if you say so.

Senator SYMINGTON. Do you think that the members of the Armed Forces should obey that order?

Mr. COHN. Yes, sir.

Senator SYMINGTON. You said this morning that you felt you were always subject to the laws of the United States.

Mr. COHN. Yes, sir.

Senator SYMINGTON. I assume you agree with me that all members of the Armed Forces are also subject to the laws of the country, are they not?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Now, I want to read you section 4 (a) of the universal military training statutes:

No member of the Armed Forces shall be restricted or prevented from communicating directly or indirectly with any Member or Members of Congress concerning any subject, unless such communication is in violation of law or in violation of regulations necessary to the security and safety of the United States.

That is the end of the quote. Now, Mr. Cohn, in view of that statute, and in view of the Executive order I read, do you believe that an officer or enlisted man who disseminated classified information outside of the executive branch in violation of security regulations, necessary to the security and safety of the United States, should be subjected to disciplinary action?

Mr. COHN. Sir, it depends on the circumstances of the dissemination and to whom the material is disseminated.

Senator SYMINGTON. Well, now, if you will amplify that for us with respect to the document that I think we both know we are considering—

Mr. COHN. Do you mean this two and a quarter page—

Senator SYMINGTON. The two and a quarter page memorandum purported to have been signed by Mr. Hoover.

Mr. COHN. In that case, the officer was giving to the senatorial committee which has the obligation under law of investigating mishandling, and laxity, and failure to act on the part of the executive; h

was giving to the chairman of that committee, information, demonstrating an important case where the executive had failed to take action despite a 3-year lapse of time. I assume he did that in accordance with his oath to defend this Nation against all enemies, foreign and domestic, and in accordance with his conscience.

Senator SYMINGTON. Do you know why, when he delivered the letter, he changed the "To-From," to "Dear General" and "Sincerely yours"?

Mr. COHN. No, sir. What I think he was doing was conveying to us the fact—conveying to Senator McCarthy the fact—that there was a situation in the executive, a serious situation, which had not been attended to over the years, despite frequent FBI warnings, and he was calling it to the attention of the chairman of the congressional committee which has the responsibility for exposing and correcting the failure of the Executive to act in situations such as that.

Senator SYMINGTON. My memory is a little hazy, but the letter is 1951, and was delivered in the spring of 1953; is that right, to the committee chairman?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Mr. Chairman, I think I have no further questions on that.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. No questions.

Senator MUNDT. I don't see Senator McCarthy. I take it you don't want to ask any questions of yourself, Mr. Cohn, so we will go to Mr. Welch.

Mr. COHN. Yes, sir.

Mr. WELCH. Mr. Cohn, when we finished this morning, or when we were stopped this morning I was about to ask you this question: Do I understand your position to be today that if Mr. Schine had gone over and got his uniform and his commission in July of 1953, that there still would have been the collision between the Senator and the Army?

Mr. COHN. I will put it to you this way, sir; the collision between the Senator and the Army was not caused because of the Schine matter.

Mr. WELCH. Then you can go right along with me, can't you?

Mr. COHN. Well, I suppose—

Mr. WELCH. If Mr. Schine had got his commission on that hot July day, and had come back proudly wearing it—you follow me?

Mr. COHN. Yes, sir.

Mr. WELCH. You would still be of the opinion today that the collision between you and the Army would have happened?

Mr. COHN. Well, sir, I say if it were not that thing, it probably would have been some other thing, which the people who are behind this would have used, yes.

Mr. WELCH. Do you mean to say, Mr. Cohn, that if there never had been any Mr. Schine, you, today, would have sat there and I, today, would have sat there?

Mr. COHN. I can't tell you that, sir.

Mr. WELCH. You don't for one moment think that is even credible, do you?

Mr. COHN. Yes, I do, sir.

Mr. WELCH. You think had there been no Schine in the world, you and I were just destined by fate to meet in this room, with me asking the questions and you making the answers?

Mr. COHN. No, sir. I——

Mr. WELCH. Then the answer is no, sir?

Mr. COHN. No, Mr. Welch. It is a little difficult for me to answer your questions.

Mr. WELCH. Well, I hate to make them difficult for you, but that is what you seem to be telling me. Once again, had there been no Mr. Schine ever in the world, you and I—you were destined to have your collision with the Army, and I was destined to ask you these questions; is that right, sir?

Mr. COHN. No, sir.

Mr. WELCH. That is silly, isn't it? That is silly to say that, isn't it?

Mr. COHN. What is that, sir?

Mr. WELCH. That you and I would have met in this room if there never had been any Mr. Schine?

Mr. COHN. I don't know, sir.

Mr. WELCH. Don't you know we couldn't have possibly met in this room except for that man?

Mr. COHN. I think we could have, sir.

Mr. WELCH. With me asking these questions and you making these answers?

Mr. COHN. Yes, sir.

Mr. WELCH. Well, Mr. Cohn, do you remember the day on which Dave Schine went over, as he put it, to hold up his hand and get his commission?

Mr. COHN. Who put it that way, sir?

Mr. WELCH. Sir?

Mr. COHN. Did you say Mr. Schine said he said that?

Mr. WELCH. No, it has been testified to in this room by General Reber when he said, "May I come over and hold up my hand?"

Mr. COHN. No, sir; I didn't understand that General Reber said any such statement had been made to him.

Mr. WELCH. Well, in any event, were you aware of a day when Mr. Schine, let us say, took a taxi or some other equipage, and went over to the Pentagon to be sworn in?

Mr. COHN. No, sir.

Mr. WELCH. Did he ever tell you, "I am going over there and I hope I am going to come back with my commission"?

Mr. COHN. No, sir.

Mr. WELCH. Did you ever know that he went over there and applied for one?

Mr. COHN. Yes, sir.

Mr. WELCH. Did he tell you he was going?

Mr. COHN. I don't know whether he did or not. I know he went, sir. He may very well have told me before he was going.

Mr. WELCH. There was nothing wrong with that.

Mr. COHN. There was nothing wrong with it.

Mr. WELCH. Were you working very closely with him then?

Mr. COHN. Yes, sir.

Mr. WELCH. If he was going to take as much as an hour off and go get his commission, you would be apt to know it, wouldn't you?

Mr. COHN. I might or might not.

Mr. WELCH. Now, Mr. Cohn, suppose he had come back on that day, probably wearing that uniform, did you have a plan to finish his work for the committee?

Mr. COHN. I don't think it could have happened that way, sir.

Mr. WELCH. Suppose it had. You wanted him to have a commission in July of 1953; did you not?

Mr. COHN. Sir, I believe the way it worked is, he would not have come back wearing his uniform that day, sir.

Mr. WELCH. He went over, so the testimony is, as I understand the testimony, saying, "May I come over and hold up my hand?" Did you hear that in this room?

Mr. COHN. That is one side of the story.

Mr. WELCH. You heard that testimony?

Mr. COHN. I heard somebody say he heard somebody else say that. I never heard the person.

Mr. WELCH. Just suppose, Mr. Cohn, that he had succeeded in going over and holding up his hand and coming back commissioned. Do you follow me?

Mr. COHN. Yes, sir, I do.

Mr. WELCH. Did you then have a plan for Mr. Schine to finish his work with the committee?

Mr. COHN. It couldn't have happened that way, sir.

Mr. WELCH. I didn't ask you whether it could have happened. When you were trying to get him a commission in July, did you have a plan for Schine to finish his work with the committee?

Mr. COHN. There was no plan. It would depend—

Mr. WELCH. No plan at all; is that right?

Mr. COHN. I hadn't quite finished, Mr. Welch.

Mr. WELCH. Had you a plan or not?

Mr. COHN. I was trying to tell you, sir, it would have depended on when he was going in.

Mr. WELCH. All right. How much time were you allotting to the job of finishing up Schine's work with the committee?

Mr. COHN. I made no allotment, sir.

Mr. WELCH. How much time—didn't you think about it?

Mr. COHN. I can't say that I did, sir.

Mr. WELCH. You knew he was going to be drafted, didn't you?

Mr. COHN. Yes, sir.

Mr. WELCH. And you had to think about it?

Mr. COHN. To an extent, sir; yes, sir.

Mr. WELCH. You had to think about it completely, did you not?

Mr. COHN. No, sir.

Mr. WELCH. By the way, were you his boss, or somebody else?

Mr. COHN. Mr. Welch, as I tried to explain what the setup down in the committee is, I don't think anybody has a boss except the chairman of the committee.

Mr. WELCH. Does everybody just romp around on their own?

Mr. COHN. Sir, that might be amusing, but the boys down there, as I have explained, don't romp around.

Mr. WELCH. I don't mean to be amusing. Who gave Schine orders? Anybody?

Mr. COHN. Sir, I would like to answer your question.

Mr. WELCH. Just tell me who gave Schine orders. That will be an answer.

Mr. COHN. No, sir, I would still——

Mr. WELCH. Won't you answer that question? Who gave Schine orders?

Mr. COHN. Sir, before I do that, may——

Mr. WELCH. I don't care what you do before. You can do it afterward. Tell me now, please, who gave Schine his orders?

Mr. COHN. Mr. Chairman, may I——

Mr. WELCH. Who gave them?

Mr. COHN. May I answer? I think it was three questions back I was in the middle of an answer.

Mr. WELCH. I will waive any question that is three questions back, and now ask you who gave Schine his orders?

Senator MUNDT. Will you respond to the question that is now before you? Who gave Schine his orders?

Mr. COHN. Mr. Chairman, may I answer? Mr. Welch asked a question that deserves an answer, because I think it casts a reflection on the people who work on the staff of this committee.

Mr. WELCH. I mean to cast no reflection on anybody, Mr. Cohn. I am trying to get from you the simple proposition: Who gave Schine his orders? Will you tell me, sir.

Mr. COHN. Mr. Chairman, I want to give Mr. Welch all the "yes" and "no" answers I can.

Mr. WELCH. This isn't a "yes" or "no." This calls for a name. What is the name of the guy who gave Schine his orders?

Mr. COHN. Sir, to save time, I would like in fairness to complete the answers to Mr. Welch's questions before he cuts in and starts with another.

Mr. WELCH. All right, if you have some question hanging back there, let's have it read, or tell me what it was about, and I will ask it over again? What was it?

Mr. COHN. As I recall it, sir, the one which I wanted to answer was a statement by you that people go romping around down there.

Mr. WELCH. I ask that again: Do people make up their own minds as to what they are going to do, or do you have some direction in that committee?

Mr. COHN. The way I am going to answer, sir, is by telling you what happens down in that committee.

Mr. WELCH. I don't care what happens. I want to know who gives the orders. Who gives them? Does anybody give them?

Mr. COHN. Mr. Welch, I would be happy to explain——

Mr. WELCH. I am trying to find out, Senator. Do you give them, Senator? I just want to know who gives the orders.

Mr. COHN. That is all right, Senator.

Senator MUNDT. Mr. Welch has his 10 minutes. He can use it any way he wants to, I presume. Go ahead, Mr. Welch.

Mr. WELCH. Have you just heard over your shoulder who gives the orders? I just saw Mr. Juliana talk to you.

Mr. COHN. All he said to me—I don't think you want me to repeat what he said.

Mr. WELCH. Did he tell you who gave the orders?

Mr. COHN. No, sir, he did not tell me who gave the orders.

Mr. WELCH. Mr. Cohn, let's each lean back in our chairs as far as the microphones permit and start all over again.

Mr. COHN. Yes, sir.

Mr. WELCH. I am now going to direct my remarks to a man named G. David Schine. On the first day that he turned up to work for this committee, who gave him his orders?

Mr. COHN. Sir, before you do that—I will be very glad to answer that. I would still like to answer the pending question, if I may.

Mr. WELCH. If we have anything pending, I am surprised. Are you still troubled about that question about roaming around? Does that bother you?

Mr. COHN. It does, sir.

Mr. WELCH. Now make a speech, if you will, subject: "Romping Around."

Senator MUNDT. The Chair will have to ask the audience to be a little careful. Mr. Welch has the happy faculty of asking rib-tickling questions, but we don't want—

Mr. WELCH. Or, Mr. Chairman, perhaps the unhappy faculty.

Senator MUNDT. I think it is a happy faculty. I don't expect you people to sit there grim-faced through all the interrogatories, but I do ask you to chuckle quietly to yourselves, if possible.

That will not be taken out of your time, Mr. Welch. Go ahead, Mr. Cohn.

Mr. WELCH. I have plenty of time.

Mr. COHN. Assuming, Mr. Welch, that what you want is a description of the way things work down in the committee room—

Mr. WELCH. No. I want a speech on Romping Around, which you say you want to make.

Mr. COHN. Mr. Welch, apparently this is all very funny to you. It is not to me, sir.

Mr. WELCH. Mr. Cohn, I beg of you. I hate Communists as much as you do, but I am trying to cross-examine you. You keep telling me you want to make some kind of a statement about this aggravating question of mine that had the phrase in it "romping around." Let's get to it and tell us what you want to tell us.

Mr. COHN. Sir, in response to your question, what I wanted to say was, the people downstairs do not romp around. They work hard. They work much harder than they have to to earn the pay which they get. They do a careful and an efficient job. They are trained. They are capable, or they wouldn't be there. We don't have to have somebody sitting on top of them giving them directions and orders. They do their work and they do it well, and the end result is that Communists have been eliminated from defense plants and Government agencies, and that money has been saved to the taxpayers of this country.

That is the way we work our office. We don't have a task-master who sits down there and hands out orders.

Senator MUNDT. Mr. Welch's time has expired.

Mr. Jenkins, have you any questions?

Mr. JENKINS. No questions, Mr. Chairman.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. A point of order?

Senator McCARTHY. No.

Senator MUNDT. Have we passed over you? You were absent from the table when your 10 minutes came. If there is no objection from anybody we will hear you for your 10 minutes at this time. Very well, you may have 10 minutes.

Senator McCARTHY. Mr. Cohn, I would like to take just a few seconds on a matter that was brought up and, as I said this morning, I think very rightly so by the able Senator from Idaho, and that has to do with your trip to Europe.

Checking the Library, I now have a document which I didn't have this morning when I questioned you, signed by Ted Kaghan, with the statement in it:

I intend to support at the ensuing election and I do hereby nominate the following name person as a candidate of the Communist Party.

I am going to hand you this, Mr. Cohn, and ask you whether or not it was admitted by Mr. Kaghan at the time you went to Europe—what was his title?

Mr. COHN. He was Acting Director of the Public Affairs Office of the High Commissioner of Germany.

Senator McCARTHY. I hand you this pledge to support the Communist Party and ask you whether or not you elicited from Mr. Kaghan the admission under oath that he is the same Ted Kaghan as the one who signed that document.

Mr. COHN. Yes, sir.

Senator McCARTHY. This was signed, I believe, after the Hitler-Stalin Pact?

Mr. COHN. I believe it was, sir.

Senator McCARTHY. One of the results of your trip through Europe was the elimination from the head of our information service over there, head or call it what you may, of this man who had pledged support to the Communist Party.

Mr. COHN. He resigned during our investigation; yes, sir.

Senator McCARTHY. Mr. Cohn—Is that a vote call? I am afraid that is a vote again.

Senator MUNDT. Another rollcall. We will have to stand in recess for about 10 minutes, I guess, for a rollcall vote.

Senator MUNDT. The committee will come to order.

Having just concluded a Senate rollcall vote, we now hear two bells which is the alarm for a quorum. We will proceed, however, hoping it may not eventuate in another rollcall. The timekeeper advises me, Senator McCarthy, you have 8 minutes left. You may continue.

Senator McCARTHY. Mr. Cohn, one of the subjects that you and I discussed a sizable number of times I recall is this question of just what authority the committee has to get information from the executive branch, is that right?

Mr. COHN. Yes, sir.

Senator McCARTHY. Now, I have seen statements emanating from the Justice Department and the White House to the effect that the sole power to enforce the law is lodged in the executive. You and I have discussed that and we agree with that fully, don't we?

Mr. COHN. There is no doubt about it, sir.

Senator McCARTHY. I believe we also agree that there is apparently some confusion on the part of some between the question of the right to enforce the law on the part of the executive and the right of a

congressional committee to get information if the law is not properly enforced, if there is malfeasance, misfeasance, graft, corruption, treason, et cetera?

Mr. COHN. Yes, sir.

Senator McCARTHY. I think you and I have gone over in detail the Reorganization Act and have agreed fully that you, as chief counsel, I, as the chairman, have no choice but to attempt to get information of any failure to properly enforce the law, any graft, any corruption, any dishonesty, any Communist infiltration, in the executive branch?

Mr. COHN. That is right, sir.

Senator McCARTHY. I have before me a statement issued by the White House this morning, June 2, it is entitled "A Statement by the President," it lists some very excellent accomplishments. It indicates that our executive branch certainly is heading in the right direction. I think that you and I have always agreed that this administration has been heading in the right direction so far as the removal of Communists is concerned. We may have had some question about the speed with which they were moving. Is that right?

Mr. COHN. Yes, sir.

Senator McCARTHY. Now, Mr. Cohn, under the Reorganization Act, as you interpret it, this committee has no choice but to attempt to get information to expose any wrongdoing, any misfeasance, any incompetence, in the executive, that is the duty of the Congress under the Reorganization Act, is that right?

Mr. COHN. That is right, sir.

Senator McCARTHY. If there is a law which says we cannot do that, of course, then you and I agree we cannot get that information?

Mr. COHN. It would be impossible.

Senator McCARTHY. I believe we have agreed, however, that there is no order of any bureau chief, any department head, which can nullify the Reorganization Act?

Mr. COHN. No, sir.

Senator McCARTHY. And if any bureau head, if any Cabinet officer, anyone up to the President, including the President, signs an order, issues us an order, which would make it impossible for the committee to do the job which it has been ordered to do under the Reorganization Act, we certainly are not bound by any such order, is that correct?

Mr. COHN. I assume that would be an infringement on the duties of the legislative branch, sir.

Senator McCARTHY. Right. Now, Mr. Cohn, let me ask you this: You have been a fairly high official in the Democrat administration. I think you as a Democrat, I as a Republican, have agreed that insofar as our committee is concerned, that there will be no coverup regardless of whether Democrats or Republicans get hurt, that the job of our committee is to disclose any wrongdoing, any communism, any corruption is that right?

Mr. COHN. That is right, sir.

Senator McCARTHY. Yesterday a Senator made an attack upon this committee, Senator Flanders. I find that attack headlined in the Communist Daily Worker, "Flanders Likens McCarthy to Hitler."

I believe you described the Daily Worker already this morning as the telegraph agency of the Communist Party?

Mr. COHN. It is, sir.

Senator McCARTHY. Mr. Flanders in this statement attempted to raise the question of religious-racial bigotry. I think it is a vicious thing. I read his speech. I don't believe that he wrote it himself. I think the kindest thing you can say about Ralph is that this may be the result of senility. He tries to inject religious-racial bigotry into this fight to expose Communists. Is it true, Mr. Cohn, that of the three top people in our committee, one happens to be a Protestant, one happens to be Jewish, the other happens to be Catholic, all active in their churches?

Mr. COHN. That is true, sir.

Senator McCARTHY. Is it also true, Mr. Cohn, that there is no test of either politics, religion, or race when it comes to hiring investigators, that the sole test is to get competent young men and that all the men we have on our committee now have had a background of training either in the FBI, the Justice Department, Secret Service, with 1 exception, I believe, and maybe 2 now. Is that roughly correct?

Mr. COHN. Yes, sir. I would say they are all competent men who do an excellent, hard-working job.

Senator McCARTHY. Mr. Cohn, one of the questions that this Senate is going to have to decide sooner or later is the question of whether or not the American people are entitled to know what is going on in their Government. As you and I have often discussed, there are the two theories: One is that it is a social favor to the American people to let them know what the facts are. You don't subscribe to that; I do not. The other theory which you and I both subscribe to is that the American people as a matter of right are entitled to know what their servants are doing, and all of us down here are their servants.

We are going to have to decide sooner or later just to what extent a bureau head can protect himself from exposure, to what extent an executive department can protect people in the executive. You were in the Democratic administration, a rather high official in the Justice Department. I just wonder if you wouldn't at this time give us some few examples of the attempts on the part of the executive to cover up information, cases in which, if it weren't for a congressional committee, individuals who are now in jail would not be there.

I would like to direct your attention first, if I may, to the Remington case. I would like to direct your attention specifically to the question of what happened when you were helping to prosecute that case insofar as files were concerned, how much assistance the defense got, how much assistance the prosecution got in that case.

Senator MUNDT. The Senator's time has expired. You may answer the question.

Mr. COHN. In the Remington case, Senator, that case was first developed before this committee. After that, another hearing was held on it before the House Committee on Un-American Activities. There was then a grand jury investigation and a perjury indictment.

To answer your question directly, before the prosecution, before the trial began, one important point in the prosecution was whether or not Remington had become a member of the Communist Party while in Knoxville, Tenn., working for the TVA. That was a key point in the proof. He was on trial for perjury in connection with the denial of Communist Party membership.

A number of our witnesses of necessity came from Knoxville and were people who had worked with Remington in the TVA. We did not get their files, and we did not have access to their files. We found out that certain officials of the TVA had physically turned over confidential files on Government witnesses in the case against Remington to Remington's defense counsel and were going all-out—these officials of the Government were going all-out to help the defense and to hurt the prosecution.

I think the incident which you mean—on that point I recall going down to the great city of Knoxville with one of my very able associates and a suitcase, and we subpoenaed all of the files concerned and physically took them back to New York with us.

There were numerous other instances which occur to me within my personal experience where there were people in the executive who tried to stop the prosecution and the uncovering of Communists. I can say of my own personal knowledge, having worked in the executive, that it has been the work of committees such as this, such as the House committee when Senator Mundt was acting chairman in the Hiss case, that important prosecutions did result. There is no doubt about it, sir.

Senator MUNDT. Have you concluded?

Mr. COHN. Yes, sir.

Senator MUNDT. Mr. Jenkins?

Mr. JENKINS. I have no questions, Mr. Chairman.

Senator MUNDT. Mr. Cohn, this morning Senator Jackson was interrogating you about access and availability of committee files.

Mr. COHN. Yes, sir.

Senator MUNDT. He stated that he had gathered from these hearings in some way or other, from some testimony, that there was some implied criticism of the members of this committee because they did not know what was in the files and did not look in the files.

I would like to ask you, because to me it seems that such implied criticism, if it were made, was very unjust, because it seems a very unreasonable request to expect committee members to go looking in the files—whether in your experience on the committee it has been customary for any of the members of the committee to go down into the file room in the evening or early in the morning or after hours, or any other time, looking around of their own volition, pulling out file drawers and envelopes and looking in them?

Mr. COHN. I never heard of such a thing.

Senator MUNDT. I just want to say on that point, because I think some of your readers of the record when these hearings come out in print, or those who listen to us on the radio or get the newspaper reports, might feel that members of this committee have been derelict in their duty because they have not been going through those voluminous files. Let me say that in 16 years in Congress, in which I have served on some 8 or 10 committees, never in my life have I gone into a committee room and started pulling out the drawers and stacking up the envelopes and looking in the files.

When I was on the House Committee on Un-American Activities, we had five rooms of files on un-American activities. I am sure if the members of our committee of their own volition had gone in pulling those files out and looking at them, we would have had a hodge-podge of papers in the room and not a filing system.

Isn't the appropriate way and the usual way when a committee member wants information, to follow the formula followed by the Senator from South Dakota, who calls in the file master of the room or some clerk in charge and says, "I would like some information on this subject. Can you bring me a file?" Isn't that the procedure which it seems to you would be a more orderly one if you want to protect the integrity of the orderliness of the file room?

Mr. COHN. Yes, sir, and I know that there have been a considerable number of occasions when you, Senator Mundt, have sent for various staff members and asked for information and files on various matters, and I am sure they have always been supplied to you.

Senator MUNDT. On very frequent occasions I have done that on this committee; I have done that on all the committees of which I am a member. I didn't want the impression to get out in the country that the members of this committee were somehow or other soldiering on the job because they didn't go down there with their own hands and fingers and start tearing the file room apart looking for information.

Mr. COHN. Of course not, sir.

Senator MUNDT. I simply wanted—

Senator JACKSON. Without taking this out of your time—

Senator MUNDT. Either way.

Senator JACKSON. Mr. Chairman, the reason I raised the question, you will recall that when the so-called FBI report was to be introduced in evidence, we were advised that it was available to all of us, and I had no knowledge of it. It was said it had been there since March of 1953. I believe—I may be in error, but the record will speak for itself—I believe Senator McCarthy said it was available to all the members of the committee.

The point is that we could go down and get it. If you have such a mass of files, I tried to make the point that you couldn't start searching every file. That was the point that I was making.

Senator MUNDT. It seems to me that any committee member interested in any project would ask some clerk or some Senator to bring them the file or bring them the information. Certainly if each of us started looking around in that file room we would have a straw-stack instead of a file room before we got through.

Senator JACKSON. I quite agree with you and therefore I feel it is very important that we be advised when there is something as serious as was involved in that report that I referred to. It was for that reason that I raised the question, because if every member is to be presumed to know what is in the file, I think we could all be in a very difficult situation if something developed later and we had been derelict in not taking action. It is for that reason that I wanted to call it to your attention.

Senator MUNDT. Yes, and I simply want to straighten out the public record on that point because this Senator does not for 1 minute want people to presume that he knows everything in the files of the 3 standing committees and the 5 subcommittees of which he is a member. He certainly does not know what is in all the files. He has no desire or expectation to be notified every time an insertion is made in the files. But he expects when he wants to know something, to go to the proper official in the file room and have them produce it at his request.

Senator JACKSON. Unless we are notified we cannot ask for it, can we?

Senator MUNDT. I certainly do not expect to be notified every time something goes in the file room of the eight committees of which I am a member.

Senator JACKSON. I agree, but this a very serious matter, 35 alleged subversives at Fort Monmouth. If it were a trivial matter I would not have raised the question.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. Have you a point of order?

Senator McCARTHY. I would like to answer Senator Jackson's question. I get the impression that Senator Jackson felt that maybe someone was derelict in not giving him this information. May I say, Mr. Chairman, that my three Democrat friends were guilty of absenteeism for quite a few months or they would have had this information. When I asked the committee for the right to——

Senator JACKSON. Senator——

Senator McCARTHY. Let me finish.

Senator JACKSON. Remember you turned this over in March and we left the committee in July. You had it for several months.

Senator MUNDT. The Chair has the time and he declines to yield further. He has some questions to ask Mr. Cohn and he has only 10 minutes. No, sir. I am going to keep my own time.

Mr. Cohn, I would like to ask you some questions now about your law practice, which was a question very appropriately raised also by Senator Jackson. You have been practicing, you say, in partnership with I think three other people in New York City in a law firm.

Mr. COHN. Yes, sir. I haven't always been a partner. I was with the firm.

Senator MUNDT. I think it is pertinent to this inquiry to ask you whether or not in the course of that practice you have ever represented or do now represent any of the Schine interests.

Mr. COHN. The answer is "No."

Senator MUNDT. May I particularize. Have you ever represented personally or has any member of your law firm represented personally G. David Schine?

Mr. COHN. No, sir.

Senator MUNDT. Or the Schine Hotel Co.?

Mr. COHN. No, sir.

Senator MUNDT. Or the Schine Theater interests?

Mr. COHN. Sir, neither I nor any one in my firm has directly or indirectly or in any way, shape, form, or manner or means represented Mr. Schine, anyone in his family, anyone in his business, or anyone connected with his business in any way.

Senator MUNDT. Is it correct or incorrect that the books of your law firm have been subpoenaed so that counsel has access to the records so that we do not have to rely upon your testimony but can rely upon the facts in the books of the firm?

Mr. COHN. That is correct, sir. Everything up there is completely available to the committee. Some of it has been subpoenaed. And my answer is a categorical no to every question you asked.

Senator MUNDT. So that you supplement the findings of those books by testimony under oath that at no time since you have been a member

of this committee have you or any member of your law firm represented G. David Schine or any of the Schine interests?

Mr. COHN. That is correct, sir.

Senator MUNDT. Very well.

Senator McClellan?

Senator McCLELLAN. Mr. Chairman, I just wish to briefly answer a statement that has been made here about the Democrats leaving this committee last year. I want to say for the benefit of those who heard the other remark, that the Democrats left this committee because four Republican members voted an obnoxious rule that denied to the Democrats the right to have any voice in the selection or discharging of staff members. We stayed off of the committee until that rule was rescinded by the same Republican members who voted it. That is the reason we left the committee. And if that is absenteeism, I will be absent again whenever we try to make this a one-man committee. I want that understood and now I will proceed to question Mr. Cohn.

Senator JACKSON. There is a rollcall.

Senator MUNDT. Another rollcall. We will resume with Senator McClellan as soon as we return in another 10 minutes.

(Brief recess.)

Senator MUNDT. The committee will come to order.

If there is nothing else, today's hearings should demonstrate to the country that there is other business going on on Capitol Hill besides these hearings.

Senator McClellan has not yet returned.

Senator DIRKSEN, I will let you begin with your 10-minute period, and when the Senator comes, we will revert back to him.

Senator DIRKSEN?

Senator DIRKSEN. Mr. Cohn, I have been rather intrigued by the metaphysical speculation of Mr. Welch as to whether or not we would be here today if there had been no Mr. Schine, or if Mr. Schine had received a commission. As I recall, that effort, such as it was, began in July, is that correct?

Mr. COHN. Yes, sir.

Senator DIRKSEN. In what month did you either contemplate issuing the subpoenas for the Army Loyalty and Screening Board or in what month were the first subpoenas issued, if they were issued?

Mr. COHN. The first public statement was, by Senator McCarthy, was at the beginning of September. I imagine the contemplation was some months before that, sir.

Senator DIRKSEN. Now, let us indulge in the assumption that there were no Mr. Schine, or that Mr. Schine had taken a trip to South America or Indochina, or some other place. Is it your judgment that in the pursuit of your duty that effort still would have been made to subpoena the records and the members of the Army Loyalty and Screening Board?

Mr. COHN. There is no doubt about it, sir.

Senator DIRKSEN. You say there is no doubt about it?

Mr. COHN. Yes, sir.

Senator DIRKSEN. Now, if that effort were made and they were actually subpoenaed, do you anticipate that, in the language of Mr. Welch, there might have been a collision anyway to bring people to this room?

Mr. COHN. Yes, sir; I am sure that there would have been. I might say, Senator Dirksen, that the concern with the loyalty board and that problem was basically Senator McCarthy's. That was a deep personal concern of his. I was not in disagreement with it in any way. I was a little less hopeful as to what the results would be, but that was something which he was very much set on, in this and in other investigations, and I am sure that in spite of me or anybody else in the world he would have pressed that and, assuming Mr. Stevens and Mr. Adams and others wanted that resisted, there would have been this collision, Mr. Schine or no Mr. Schine; yes, sir.

Senator DIRKSEN. Now let's revert for a moment to when this investigation is over, and I trust before long it will be over, it is then the responsibility of the regular investigating committee to resume its duties.

Mr. COHN. Yes, sir.

Senator DIRKSEN. You, as chief counsel, would have some estimate of what work will be undertaken as soon as the regular investigating committee gets under way?

Mr. COHN. Yes, sir.

Senator DIRKSEN. What in your judgment would be among the first of the things to which you would address yourself?

Mr. COHN. I would say the first thing, sir, would be communism in defense plants. I would say one of the first things would be this loyalty board question. I would say one of the first things, probably, would be the Peress case.

Senator DIRKSEN. Inasmuch as the loyalty matter is pending at the present time, it can be considered, I take it, as unfinished committee business?

Mr. COHN. No doubt about it, sir.

Senator DIRKSEN. On that basis, it would require no initiatory action, further action, on the part of the committee?

Mr. COHN. The request of the Army or Mr. Adams to produce those people has been standing for some period of time. It still stands. It has never been withdrawn. That is a matter of pending business for this committee.

Senator DIRKSEN. And the authority to issue subpoenas lodges in the hands of the Chairman unless, I take it, by action of the full committee, that should be impaired?

Mr. COHN. That is right, sir.

Senator DIRKSEN. So that if those subpoenas were actually issued for the members of the loyalty board, what do you anticipate by way of a difference of opinion between the Army and the committee as to whether or not, 1, the members must respond to the subpoenas, 2, whether they can testify on matters involving inferior loyalty boards and the action that was taken?

Mr. COHN. I am afraid, sir, the difference is such that there would be another collision.

Senator DIRKSEN. You would anticipate that that kind of a collision might bring some people back into this committee room?

Mr. COHN. If it follows the pattern as this, sir, I suppose it would; yes, sir.

Senator DIRKSEN. That is all for the moment.

Senator MUNDT. Senator McClellan, you have 8¾ minutes left of your 10 minutes.

Senator McCLELLAN. Thanks for the accuracy.

Mr. COHN, we concluded my other 10-minute period on paragraph No. 5 of the document which you had before you then——

Mr. COHN. I have it right here now, sir.

Senator McCLELLAN. All right. We will resume with paragraph 6 of that document. The first sentence refers to a report in quotations, and I assume you and I know what that refers to, which is the chronological statement of events that the Army issued.

Mr. COHN. Right, sir.

Senator McCLELLAN. The concluding sentence of that paragraph reads as follows:

When placed in proper perspective, it will be found to have given greater aid and comfort to Communists and security risks than any single other obstacle ever designed.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Is that your statement today?

Mr. COHN. Not only that, sir, but I think Political Affairs, the official monthly publication of the Communist Party, in its last monthly issue said that these hearings and what has been going on is a very big victory for the Communist movement.

Senator McCLELLAN. That is your evaluation of it, that that report as issued here regarding alleged pressure and effort to secure preferential treatment for Private Schine has given greater comfort to Communists and security risks than any single other obstacle ever designed? That is your testimony?

Mr. COHN. Yes, sir. This plan to stop the work of this committee and to discredit the chairman and the staff.

Senator McCLELLAN. That would make it a very important document, wouldn't it?

Mr. COHN. Yes, sir.

Senator McCLELLAN. It would make the charges very grave and serious?

Mr. COHN. Yes, sir.

Senator McCLELLAN. So you have treated them that way, haven't you?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Then you do not agree with those who say that this is a waste of time for this committee to investigate the charges, do you?

Mr. COHN. Sir; with all respect, I do think it is a waste of time for the very able——

Senator McCLELLAN. To investigate that which has given the greatest comfort to the Communists of anything ever designed is a waste of time?

Mr. COHN. Senator McClellan, with all respect, sir, I think that by immobilizing this committee——

Senator McCLELLAN. I am using your words here now.

Mr. COHN. Yes, sir. By immobilizing the committee and keeping it away from its investigation of Communists in defense plants and in other places, the Communists are gaining. As we stated here, and you——

Senator McCLELLAN. All right, if it was done for that purpose, as you have charged, if it was done for that purpose, isn't that one of the greatest things confronting us, that we have men at the head of the Army of the United States resorting to such tactics? Could there be any more important investigation than looking into those charges, in your opinion—and you are fighting Communists?

Mr. COHN. Yes, sir; it is certainly very important. I only say, Senator McClellan, I very much regret that this looking into it—

Senator McCLELLAN. We all regret this. I agree with you. I regret it. I wouldn't be here if I didn't feel it an absolute duty to be here. I don't enjoy it. But the point I am making is, this hearing, from your viewpoint and mine, is not a waste of time, and it takes precedence and is paramount to any other investigation this committee could be making at this time if there is any basis at all for these charges; isn't that true?

Mr. COHN. Sir—

Senator McCLELLAN. Don't you agree with me?

Mr. COHN. No, sir; with great respect—

Senator McCLELLAN. What would be greater than to investigate the Secretary of the Army who is coddling Communists?

Mr. COHN. With great respect, Senator McClellan, I feel if your very great ability, and that of the other members of the committee, could be spared from this and used in connection with the uncovering—

Senator McCLELLAN. Surely, if this hadn't happened. But it did happen.

Mr. COHN. Yes, sir.

Senator McCLELLAN. And these charges are before us. Can you think of any more serious charges or anything that you know of that is going on that could be more serious to this Government than having at the head of it a man who is coddling Communists and trying to stop a committee of the Congress from investigating them? Do you know anything more serious than that?

Mr. COHN. Sir, it is very hard—

Senator McCLELLAN. Tell us what it is, if you do.

Mr. COHN. Yes, sir. It is very hard to evaluate the relative seriousness of it. Mr. Stevens and Mr. Adams certainly were trying to stop the investigation of the loyalty board and Communists in the Army. You are very correct, sir, and that was a very serious thing.

Senator McCLELLAN. All right, if they were doing it, don't you think we ought to start at the top to clean out?

Mr. COHN. Sir, I think I am much more concerned about—

Senator McCLELLAN. You are not concerned about the top level?

Mr. COHN. I am concerned about it, sir, but I just think that if this committee could address—could be put in the position of addressing itself to Communists in defense plants, Communists in Government, and not spending all the time, months, on this, I do think the national interest would be better served.

Senator McCLELLAN. Let me ask you this: If you have such a man at the head of the United States Army, coddling Communists, trying to stop the investigation of them, if he succeeds don't you know more could get in than any committee could ever get out, and shouldn't we clean up at the top first?

Mr. COHN. Sir, I am afraid this committee would not have the jurisdiction to do anything about Mr. Stevens or Mr. Adams.

Senator McCLELLAN. You mean it has no jurisdiction to investigate Mr. Stevens if he is coddling Communists?

Mr. COHN. It might have jurisdiction to investigate it, sir, but I don't know what power the committee would have over Mr. Stevens.

Senator McCLELLAN. What power does any committee have after an investigation except to pass a law? It can't enforce anything. What power does it have? You know that it has no power other than to expose.

Mr. COHN. It has the power to expose and call the thing to the attention of the public.

Senator McCLELLAN. Don't you think it should be exposed?

Mr. COHN. And to legislate. Sir, I probably don't have any wisdom on this subject at all—

Senator McCLELLAN. I would think you should. You are one of the chief Communist investigators. I think you would have a very fixed and unshakable opinion.

Mr. COHN. Sir, my opinion, with great respect to you, is that if we could have the benefit of the distinguished gentlemen of this committee in uncovering Communists in defense plants and other things which we have ready, and not sitting here day in and day out on this, I feel, if you press me for an opinion, that the national interest would much better be served.

Senator McCLELLAN. And let Mr. Stevens go on and continue to serve at the top. You think that would serve the interests of the country?

Mr. COHN. I have no opinion on Mr. Stevens continuing to serve or not, and there is nothing I nor anyone else—any one with much more power than I have on the committee—

Senator McCLELLAN. Do you have any opinion on the Communists continuing to serve?

Mr. COHN. Yes, I do, sir.

Senator McCLELLAN. Then why wouldn't you have an opinion on him continuing to serve if he is trying to prevent an investigation of Communists in the military?

Mr. COHN. Sir, he is appointed by the President of the United States.

Senator McCLELLAN. Well, so are the Army officers appointed by the President of the United States.

Mr. COHN. He is a Cabinet member, the Secretary of the Army, and I don't think—

Senator McCLELLAN. You want to hold him immune?

Mr. COHN. No; I don't want to hold him immune, sir.

Senator McCLELLAN. I don't either, and that is why I want to get at the truth.

Mr. COHN. Right, sir. I don't think the committee can do anything one way or the other about Mr. Stevens.

Senator McCLELLAN. It can expose him, can't it? If these charges are true, isn't that exposure—

Mr. COHN. Yes, sir.

Senator McCLELLAN. That is what we should do, isn't it? Don't you think so?

Mr. COHN. Well, sir, I certainly think it is unfortunate that the committee is tied up for these many weeks and months on this matter when it could be investigating Communists and communism.

Senator McCLELLAN. Do you mean to tell me that a Communist in some defense plant may be more dangerous to the security of this country than a man at the head of the Army who is coddling them would be?

Mr. COHN. You are almost persuading me, Senator McClellan.

Senator McCLELLAN. I think I have.

Mr. COHN. Sir, we do have the situation of these Communists in the defense plants, in the Army, in the other places. We were going about our business getting them out. They have tried to stop us.

Senator McCLELLAN. And the man who tried to stop you, if he did it, should be gotten out first, shouldn't he?

Mr. COHN. Sir, I am afraid we are never going to know all of the people who did try to stop us.

Senator McCLELLAN. We know 1 or 2, according to your testimony.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Don't we?

Mr. COHN. Yes; we do.

Senator McCLELLAN. We have two that you have identified who tried to stop you.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Don't you think we ought to start at the top and get them out first?

Mr. COHN. I don't think we will be able to get them out first, sir.

Senator McCLELLAN. You don't think we will?

Senator MUNDT. The Senator's time has expired.

Senator Potter.

Senator POTTER. Mr. Cohn, in the memorandums which Senator McCarthy and yourself and Mr. Carr offered in evidence did you testify that the memorandum of Friday, November 6, was prepared by you or dictated by you?

Mr. COHN. I believe it was, sir; yes, sir.

Senator POTTER. I think one of the major charges in this document is in the second paragraph, which I will read.

Mr. COHN. Yes, sir.

Senator POTTER. This refers to a meeting that was held in the Secretary's office, where Senator McCarthy, Frank Carr, yourself met with Mr. Stevens.

In this memorandum you state:

Mr. Stevens asked that we hold up our public hearings on the Army. He suggested that we go after the Navy, the Air Force, and the Defense Department instead. We said first of all we had no evidence warranting an investigation of these other Departments. Adams said not to worry about that, because there was plenty of dirt there and they would furnish us the leads. Mr. Stevens thought this was the answer to his problem.

Now, Mr. Cohn, will you tell the committee first what did Mr. Stevens say at this meeting to warrant you to report this in your memorandum?

Mr. COHN. Yes, sir. As I recall it, in substance—I can't give the exact words—Mr. Stevens expressed the thought that if we could stop investigating the Army and give some attention to the Navy and the Air Force for a while that that would ease the Army's situation.

Senator POTTER. Now, did Mr. Stevens say that the Air Force and Navy had security problems that you should look into?

Mr. COHN. I am sure that that was implicit in his statement, sir. I am sure he did not want us to just go out and investigate something which wasn't there. I assume that he felt they might have the same problem which existed in the Army.

Senator POTTER. Did he mention to you any specific security problem that the other Departments might have?

Mr. COHN. I don't recall that Mr. Stevens ever did, sir.

Senator POTTER. In other words, he stated that he would broaden your file; is that it?

Mr. COHN. That was about the substance of it, sir.

Senator POTTER. In your second sentence of that paragraph, you stated that Adams not only thought that was a good idea, but that he stated he would furnish you the leads.

Mr. COHN. Yes, sir.

Senator POTTER. Did he furnish you any leads?

Mr. COHN. He never furnished any actual—

Senator POTTER. I am speaking now of this particular meeting.

Mr. COHN. Of this particular meeting?

Senator POTTER. Yes.

Mr. COHN. No, he didn't give us any leads at that particular meeting, sir.

Senator POTTER. He just stated, "I can give you information."

Mr. COHN. That is right, sir.

Senator POTTER. Did you inquire as to what information he might have?

Mr. COHN. No, sir; not on that occasion.

Senator POTTER. Did either Senator McCarthy or Mr. Carr inquire?

Mr. COHN. No; I don't believe they did, sir.

Senator POTTER. I believe you testified that at a later date he mentioned security problems in the Air Force. Am I correct?

Mr. COHN. Yes, sir. In the Navy, too, sir.

Senator POTTER. And the Navy?

Mr. COHN. Yes, sir.

Senator POTTER. So as a result of this meeting, on November 6, you, under oath, testify that Secretary Stevens and Mr. Adams as counsel, suggested to you and to the Senator that you go after the Air Force, the Navy, and the Department of Defense?

Mr. COHN. I would say that is a substantial statement.

Senator POTTER. You heard the testimony of both Mr. Stevens and Mr. Adams, where they denied—

Mr. COHN. I did, sir.

Senator POTTER. That they ever suggested that you go after the Air Force, Department of Defense, and the Navy?

Mr. COHN. I heard what they said, sir.

Senator POTTER. Somebody is not telling the truth.

Mr. COHN. Somebody is certainly mistaken, sir. It is not us.

Senator POTTER. Then the memorandum of November 17—is that a memorandum which you prepared?

Mr. COHN. I believe I did, sir.

Senator POTTER. That refers to a meeting that was held at the Merchants Club in New York.

Mr. COHN. Right.

Senator POTTER. Attended by Mr. Stevens, Mr. Adams, Mr. Carr, the Senator, and yourself.

Mr. COHN. Yes, sir.

Senator POTTER. At this meeting, you report in your memorandum that the Secretary again asked you to go after the Air Force and the Navy. I will quote you the sentence in your memorandum:

At this meeting, Stevens again said he wished we could get into the Air Force and Navy and the personnel employed directly by the Defense Establishment, instead of continuing the Army hearings.

Mr. COHN. He did, sir.

Senator POTTER. Was this statement made in a similar manner as the statement in Mr. Stevens' office?

Mr. COHN. Yes, sir. There was discussion about that. I think about the general situation during lunch, and then as we were leaving the room—we ate in one room and then we went across the hall to another room. That was the afternoon the Harry Dexter White hearings were on television and Mr. Brownell and Director Hoover testified. Mr. Stevens had a television set brought up and we went into the next room. I recall as we were leaving the room, Mr. Stevens, I think in the hearing of some people, stopped Senator McCarthy at the door and asked him if the committee couldn't just drop this Army investigation for a while and go into the Navy and the Air Force and the Defense Department and elsewhere, and let the Army alone for a while.

Senator POTTER. You are testifying to this under oath.

Mr. COHN. I am, sir.

Senator POTTER. And you heard the testimony of Mr. Stevens and Mr. Adams where they deny that they made this request?

Mr. COHN. Yes, sir.

Senator POTTER. So, once again, perjury has been committed.

Mr. COHN. Well, sir; somebody is certainly mistaken, and, once, again, sir; I am not.

Senator POTTER. Now, did Mr. Stevens say that the Air Force and Department of Defense and Navy had security problems that you should look into?

Mr. COHN. I am sure that that was implicit in his statement, sir. I am sure he did not want us to just go out and investigate something which wasn't there. I assume that he felt they might have the same problem which existed in the Army.

Senator POTTER. Did he mention to you any specific security problem that the other departments might have?

Mr. COHN. I don't recall that Mr. Stevens ever did, sir.

Senator POTTER. In other words, he stated that he would broaden your file; is that it?

Mr. COHN. That was about the substance of it, sir.

Senator POTTER. In your second sentence of that paragraph, you stated that Adams not only thought that was a good idea, but you state that he stated he would furnish you the leads.

Mr. COHN. Yes, sir.

Senator POTTER. Did he furnish you any leads?

Mr. COHN. He never furnished any actual—

Senator POTTER. I am speaking now of this particular meeting.

Mr. COHN. Of this particular meeting?

Senator POTTER. Yes.

Mr. COHN. No; he didn't give us any leads at that particular meeting, sir.

Senator POTTER. He just stated, "I can give you information"?

Mr. COHN. That is right, sir.

Senator POTTER. Did you inquire as to what information he might have?

Mr. COHN. No, sir; not on that occasion.

Senator POTTER. Did either Senator McCarthy or Mr. Carr inquire?

Mr. COHN. No; I don't believe they did, sir.

Senator POTTER. I believe you testified that at a later date he mentioned security problems in the Air Force; am I correct?

Mr. COHN. Yes, sir. In the Navy, too, sir.

Senator POTTER. And the Navy?

Mr. COHN. Yes, sir.

Senator POTTER. So, as a result of this meeting on November 6, you, under oath, testify that Secretary Stevens, and Mr. Adams as counsel, suggested to you and to the Senator that you go after the Air Force, the Navy, and the Department of Defense?

Mr. COHN. I would say that is a substantial statement.

Senator POTTER. You heard the testimony of both Mr. Stevens and Mr. Adams, where they denied—

Mr. COHN. I did, sir.

Senator POTTER. That they ever suggested that you go after the Air Force, Department of Defense, and the Navy?

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At this meeting, Stevens again said he wished we could get into the Air Force and Navy and the personnel employed directly by the Defense Establishment, instead of continuing the Army hearings.

And you have a memorandum from yourself to Senator McCarthy of December 9.

Mr. COHN. Yes, sir. I am familiar with it.

Senator POTTER. And in that memorandum, you state this:

John Adams said today that following up the idea about investigating the Air Force, he had gotten specific information for us about the Air Force base where there was a large number of homosexuals. He said he would trade us that information if we would tell him what the next Army project was that we would investigate.

You testify that that memorandum is a fact?

Mr. COHN. Yes, sir. Let—

Senator POTTER. And that Mr. Adams offered to trade you information on the Air Force if you would lay off the Army investigation?

Mr. COHN. Yes, sir. That was that so-called map incident, Senator Potter. That is right.

Senator POTTER. And you heard Mr. Adams testify concerning that map incident?

Mr. COHN. Yes, sir. He gives a different version of it.

Senator POTTER. That is all I have, Mr. Chairman.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Mr. Chairman, I would like to make just a brief statement before asking some questions. Several times in the hearings reference has been made to the fact that the Democrats left the committee and were absent or we absented ourselves. I just want to say that whenever that is brought up again, I shall give the facts to the American public on why we left. I think we will save a lot of time if we don't go into this again. But I am going to make a brief statement now so that the American public will fully understand why we left. The Democrats left the committee last July for a very good and valid reason.

As Senator McClellan stated, we opposed one-man rule. We opposed the principle of delegating to the chairman full and final authority to hire and fire staff personnel. That the reason was sound for our leaving can best be demonstrated by the change in the rules that was made when we returned in January.

And may I say also to the American public, and so that the public will fully understand, that the matters we are now investigating all occurred—as a matter of fact, they started a day or two after we left the committee and continued during our absence. So, apparently, there must have been a good and sound reason for our leaving. I think if we had been on the committee we might not now be spending a lot of time investigating that which is taking the time of this committee.

I think we might well say that when the rules were changed, we were not advised—at least I was not advised—of what was going to face us. To be facetious for a moment, I think we might complain of entrapment, because we had no knowledge that we were going to be subjected to a long, long hearing when we went back on the committee at the time the rules were changed to give to the committee the full authority, members of the committee, on the hiring and firing of staff personnel.

Mr. Cohn, you have stated that the committee is being tied up on the investigation of these Communists in the defense plants?

Mr. COHN. That is one of the important matters, Senator Jackson; yes.

Senator JACKSON. Is that one of the key important matters?

Mr. COHN. I think it is, sir.

Senator JACKSON. Well, now, let me ask you this: These people are working in defense plants, and you mean private industry that are doing work for the Government?

Mr. COHN. Yes, sir.

Senator JACKSON. We have as the head of the Defense Establishment Mr. Charles Wilson, is that correct?

Mr. COHN. Yes, sir.

Senator JACKSON. If we have 135 Communists working in defense plants, wouldn't it be sound to send those names to Mr. Charles Wilson immediately and put him on the spot and ask that these people be dealt with accordingly?

Mr. COHN. In my opinion, sir—and it is only an opinion—no, sir.

Senator JACKSON. Why do you say no?

Mr. COHN. Sir, just take the Peress case as an example. All we have is doubletalk and long delay over a long period of time. We have gotten no results, no action. The people who covered him up, the people who promoted this fifth amendment—

Senator JACKSON. Do you think Mr. Charles Wilson, the former head of General Motors, would want to cover up Communists working in private industry?

Mr. COHN. I am sure Mr. Charles Wilson would not want to cover up any Communists, sir. As a practical matter, Senator Jackson, you are asking me how I thought we could get results on this. I think the way we could get results on this, sir, is the way we have been getting results on this in the past, and that is by holding, first, executive sessions, and then public hearings. When the employees in these defense plants, having been named as Communists, invoke the fifth amendment, most of the responsible big companies in this country have adopted a rule that after those fifth amendment claims are made by people currently working in defense plants, these companies will fire those fifth amendment Communists. That rule has been adopted by General Electric as a result of the work of this committee; by the International Telephone & Telegraph Co., and by other companies.

The way to get the results, sir, is to hold our hearings, get these people in public session, have them claim the fifth amendment, have the witnesses name them as Communists, have them fired from the defense plants. I don't think, Mr. Wilson, as a matter of fact, has the power to fire them from defense plants.

Senator JACKSON. You say he doesn't have the power to fire them?

Mr. COHN. I don't believe that he does, sir.

Senator JACKSON. Mr. Cohn, wouldn't it be putting him on the spot if you sent him a list of names of people who are alleged to be Communists, and then he did nothing about it?

Mr. COHN. No, sir, because I imagine the reply we would get would be, "These people do not work for the United States Government as such. They work for defense plants which do subcontract work for the United States Government. Therefore, we don't have the jurisdiction to hire or fire these people."

Senator JACKSON. Let me finish, and then I will be glad to yield for a brief question.

Mr. Cohn, what you mean to say is that you do not have enough faith in this administration, that they will not do anything about removing these people who are alleged to be Communists?

Mr. COHN. No, sir; I have not said that.

Senator JACKSON. You say that Mr. Wilson wouldn't do anything about it or he would pass the buck or do something like that, is that it?

Mr. COHN. No, sir. I told you two things. Probably the most important of the two is that the Defense Department itself does not have the power to hire or fire these Communists in defense plants. That can be done only by the private employer. The companies—

Senator JACKSON. Why don't you in your letter then—you are

anticipating all that—suggest to Mr. Wilson you realize there is no law dealing with it directly, but that he take appropriate action?

Mr. COHN. Because, sir, the appropriate—

Senator McCARTHY. I wonder if the Senator would yield for a minute?

Senator JACKSON. If it is not out of my time. We are getting near the end.

Senator McCARTHY. May I say to the Senator, if he wants to have any information we have in the files transmitted to Charlie Wilson, I will be glad to call a meeting of the committee and take that up with the committee. We do have a sizable number of individuals who apparently are Communists, working as of today in defense plants. It is not up to my chief counsel to make that decision, but if the Senator from Washington wants us to transmit that to the Secretary of Defense, I frankly can see no objection to doing it.

I think we should take it up in a meeting of the committee, however. That is the sort of thing which is being held up, of course, by this hearing we are holding today.

Senator JACKSON. I am just trying to get at the heart of this, Senator, in response to your suggestion.

Senator MUNDT. Time back in.

Senator JACKSON. We on the committee haven't yet received the 135 names we have asked for. So it is pretty hard for us to join in the transmittal of something we don't know what we are transmitting.

Mr. Cohn, just one other question—

Senator McCARTHY. Scoop, may I say this—

Senator JACKSON. Have we received them?

Senator McCARTHY. I will give you all the information at any time that the members of this committee want to meet with me. I have refrained—let me finish—I have refrained from calling a meeting because I felt you have all been too busy on this job.

Mr. Chairman, may I say—Senator Mundt, may I have your attention?—may I say if the members of this committee care to meet with me at any time during the noon hour or any evening, I would be more than happy to give them a background picture of all of the backlog of work which is building up. I do not plan to order any special reports made for the members of the committee, because the staff is busy now.

Senator JACKSON. Mr. Cohn, I take it, then, you feel that by letter we wouldn't accomplish much. May I suggest, then, that these names be turned over to the Jenner committee, which could expose the 135 people. If time is of the essence, what is the objection to that?

Mr. COHN. Sir, I would say this: I have never undertaken before to tell the Jenner committee what to do or what to investigate. At the time this investigation came up, I spoke with the chief counsel for the Jenner committee, and it was decided that their involvement with other investigations was such that this investigation should appropriately be taken up by this committee.

We began, sir. We are well into it. We have had terrific results in it. We have actually gotten a lot of fifth-amendment Communists out of vital defense plants around the country.

Senator JACKSON. I am talking now about the 135.

Mr. COHN. Yes, sir. We are in the middle of it. We have started the job. If you are going to get another committee to start in at the very beginning and go back again, there probably will be a lot of duplication and waste of time.

The last I heard, the Jenner committee was busy on other things and could not undertake this investigation.

Senator JACKSON. Mr. Cohn, the staff is available. The allegation is made that we have these people who are not now being employed in connection with committee work. Why not just turn the staff over and assist them and expose it immediately? If you say that exposure is the only way that we can remove these people because Mr. Wilson won't do anything about it, who is the head of the Defense Establishment and the former head of General Motors—

Mr. COHN. Excuse me, Senator. I hate to interrupt you, sir, but I think I said that I don't think Mr. Wilson has the power to do anything about it. These people work for private industry. It is only their employers who can fire them, not Mr. Charles Wilson. The employers have adopted an arrangement that they will not act against these people unless and until we hold these hearings, have witnesses testify naming these people as Communists, give them a chance to be heard in their own defense, if they invoke the fifth amendment they will then, after a certain lapse—they will be suspended. If they do not withdraw their fifth-amendment claim, after a certain lapse of time they will be discharged. I noticed in the newspaper 2 days ago that General Electric has just fired 7 more people from a defense plant as a result of hearings held by this committee.

Senator JACKSON. Mr. Cohn, I do believe that you stated if it was sent to Mr. Wilson it would be handled just like the Peress case. That is in the record. I assume therefore that you have no confidence in the Secretary of Defense doing anything about this.

Mr. COHN. I am sorry if I gave that impression, sir. I did not say that. It is not a case of my not having confidence in the Secretary of Defense. I stand on what I said about the Peress case, sir. We have not gotten that information. We have never gotten it. We have asked for it for a period of months. On the practical problem here, sir, the answer is to let this committee do its business and hold these hearings and we can get those Communists out of the defense plants very rapidly.

Senator JACKSON. I had thought you had said it would be handled in the same way. Maybe I am wrong and the record tomorrow or later today, I think, will speak for itself.

Your view, then, is that the only way you are going to get any of these people out is to have a public hearing, that there is no point in advising the head of the agency of their dereliction in advance so they can take speedy action—

Mr. COHN. They can't, sir.

Senator JACKSON. I am not talking just about this case. How about matters where they are in the Government? Don't you think we ought to advise them at once?

Mr. COHN. Sir, I wouldn't want to talk in generalities.

Senator JACKSON. Let me be specific.

Mr. COHN. Yes, sir.

Senator JACKSON. Last March when this 21 $\frac{1}{4}$ -page FBI listing 35 names came in, why wasn't the Secretary of the Army advised in writing forthwith that he had 35 alleged subversives under his jurisdiction working on highly important and secret radar work?

Mr. COHN. For two reasons, sir: First of all after we received the information that was the beginning for us. We had to check it out. We had to assemble facts and evidence to know whether the information was well founded, whether we could substantiate it.

Senator JACKSON. It was from the FBI, wasn't it?

Mr. COHN. It was from the FBI, but in the case of many of the individuals concerned, there was no derogatory information and in other cases there was derogatory information which we had to check out ourselves. We did that. We kept building the case.

The second reason, sir, is that the reason the information——

Senator JACKSON. Just before you get to the second reason, let me ask you this: In that report, didn't it state that Aaron Coleman was an espionage agent? It was right in that FBI report?

Mr. COHN. As I understand, sir, I am not supposed to discuss the contents of that report.

Senator JACKSON. I am not asking anything. I haven't seen the document——

Mr. COHN. The substance——

Senator JACKSON. Just a moment. I haven't seen the document, I am only giving that which was volunteered by people other than myself at this hearing, and that was read into the record that he was an espionage agent. If it was from the FBI, why didn't you immediately advise Mr. Stevens who had only been in office—how long, a month and a half or two months—of an espionage working in a defense plant?

Mr. COHN. Because——

Senator MUNDT. The Senator's time has expired. You may answer the question.

Senator McCARTHY. May I correct an inadvertent statement that Mr. Jackson made, and I am sure it is inadvertent. He said it was from the FBI files. The testimony was that this was from Army intelligence. That is the sworn testimony of myself under oath, and therefore the Army had all the information which we had.

Senator JACKSON. Just let me state this, then, and if the Senator disagrees with me, I want to know.

Senator McCARTHY. We have gotten nothing from the FBI.

Senator JACKSON. I didn't say you got it from the FBI. This modified, reduced version of a report was one sent by the Federal Bureau of Investigation to G-2 of the Army with a copy to the Air Force, and it contained the information that the FBI had obtained. It was an FBI report sent to the Department of the Army. Am I wrong?

Senator MUNDT. You may answer the question.

Mr. COHN. Am I being asked that? No, I would say you are right, sir. Senator McCarthy's point was that we did not obtain it from the FBI side.

Senator JACKSON. Nor did I say you obtained it from the FBI side.

Mr. COHN. We obtained it from the Army side, and if I may answer your question about why we did not communicate with them on that point——

Senator JACKSON. On Aaron Coleman, in particular.

Senator MUNDT. The time has expired. You may answer the question but there will be no further questions.

Mr. COHN. The reason we did not communicate with the Army on Aaron Coleman is that the gentleman who brought us the information told us that the people at the Army were well aware of the Coleman situation and of the other situations outlined in that memorandum, and that despite the fact they were well aware of it, they had not done anything about it and were not doing anything about it, and they did not do anything about it until this committee began its work.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. Mr. Chairman, because of the rollcall delays and so we may complete this round of questioning this evening, I will pass.

Senator MUNDT. Very good.

Senator DIRKSEN. I was going to ask the Senator to yield me just 20 seconds to make one clarifying observation at this point.

Senator MUNDT. Any objections? There being none, you have 20 seconds.

Senator DIRKSEN. Mr. Cohn, do you know of any instrumentality, in or out of Government, that has authority to issue a subpoena other than a committee of Congress or a court?

Mr. COHN. No, sir. By a court, Senator Dirksen, I assume you include a grand jury which would be an arm of a court.

Senator DIRKSEN. That is right.

Mr. COHN. No, sir, I don't.

Senator DIRKSEN. So that with respect to Mr. Wilson, he is an administrative officer in Government, he would have no authority to issue a subpoena, and could not develop the story, certainly, with respect to people working in defense plants who are not a part of the Government structure?

Mr. COHN. That is right, sir. This job could be done by the committee and the committee alone. It could not be done by Mr. Wilson.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Mr. Cohn, I must say I am quite surprised about these defense plant people. You say that the Department of Defense has no authority to tell the people who are working in these plants to leave?

Mr. COHN. I do, sir.

Senator SYMINGTON. Well, just before I came into Government, I was in private industry, and our plant was full of people from Air Force intelligence and Army intelligence and Navy intelligence, and we not only worked closely with the FBI, but actually their agents in my part of the world were my very good friends. We discussed everybody that we knew that there might be any problem with, and if there was anybody they thought should get out, they got out right away, as a security risk. Now, is all that blown up and we don't have any more of that now?

Mr. COHN. No, sir. Perhaps the heads of some of the other businesses are not as diligent in that as you were. But the fact is—I don't have to look in the future, I can look in the past few months—this committee has exposed a large number of current Communist Party members still working in 1953 and 1954 in defense plants. The only control the Defense Department has, as far as I know, is control

over security clearance, and that control is not clear. There are some instances we came across where that control is sort of divided between the Defense Department and between the private company. One case I recall the private company has control up through confidential, the Defense Department or the Navy above confidential.

Senator SYMINGTON. Now, let's go down to this point. The Government is the buyer, and if the Department of Defense and a great industrialist like Mr. Wilson and Mr. Stevens who did run a big company, if they told the seller, "Here, you are getting a lot of business from us. We have had advice from Senator McCarthy's committee," everybody would jump, I think it is fair to say, "to get rid of these people. Now, you get rid of them."

Do you still say the Defense Department couldn't tell the people and even if they did, that they wouldn't get rid of them?

Mr. COHN. The answer, Senator Symington, and I think there is tremendous merit to some proposal being worked out whereby there would be greater control by the Defense Department, but the way things stand now, in 1954, the answer to you would be, or to Mr. Wilson would probably be, "The people you want us to fire are members, say, of the United Electrical Union, which in many of its locals is a Communist-dominated union. There is collective bargaining, they are recognized by the NLRB. We have to deal with them. We cannot fire those people. We are sorry."

Senator SYMINGTON. Do you mean that you think you couldn't get rid of people in a plant if you told the people that ran the plant that they were security risks to the United States? Have you given these 133 names to the FBI?

Mr. COHN. Pardon me?

Senator SYMINGTON. Have you given these 133 names to the FBI?

Mr. COHN. No, sir; I don't think I have given them to the FBI.

Senator SYMINGTON. The FBI is all over the country and work closely with the defense plants. Why not give them to the FBI?

Mr. COHN. I would take an oath that the FBI knows about these 133.

Senator SYMINGTON. If they know about them, wouldn't they tell the Defense Department about them?

Mr. COHN. They would, sir.

Senator SYMINGTON. Then it wouldn't be a question of the Department of Defense not being able to fire them, would it?

Mr. COHN. No, sir. It might be ridiculous, but it is true, the Department of Defense does not have the power to fire these people. Private companies do.

Senator SYMINGTON. When I was with the Air Force, if anybody with the proper knowledge had come with respect to any security risk in any plant that was doing Government business with the Air Force, they would have immediately gotten rid of those people, or the business would have been canceled.

I think, I believe we ought to check this, because it is incredible to me that the American people, through the Department of Defense, are giving business to companies where they are helpless about getting rid of security risks.

Senator POTTER. Would the Senator yield at that point?

Senator SYMINGTON. I would be glad to yield.

Senator POTTER. It is my understanding that they have 3 screening boards, or the country is divided into 3 sections for screening purposes.

Mr. COHN. I think they call them industrial screening boards.

Senator POTTER. One is under the jurisdiction of the Navy, one the Air Force, and one the Army, for screening of personnel that work in defense plants. I don't know how much authority those screening boards have.

Senator SYMINGTON. I can answer the Senator this way: I don't know anything about the boards. But I know we worked with the intelligence of the 3 services and also with the FBI, and these 3 service intelligences were not as efficient. But if anybody from the FBI ever told anybody in the plants that I worked with that we had a security risk, he was out, regardless of boards or anything else, and I believe that that would be true of the Secretary of Defense.

I do not think he could stand on that situation, and I have enough respect for him to believe that he won't. I would recommend, even if it is inconvenient, and you don't give the names to another committee so that this committee isn't blamed for holding up the work, I would certainly give the names to the Department of Defense. I would give them to the Federal Bureau of Investigation, and I would say, "These people we think every minute, every day, that they are in these plants they are a danger to the security of the United States, and we think that you ought to get rid of them."

Give the reasons why. I am sure if you do that that any manufacturer with Government business, if he gets that information from the buyer, is going to get rid of those people.

Senator DWORSHAK. Would the Senator yield for a question?

Senator SYMINGTON. I would be glad to yield.

Senator DWORSHAK. You seemed to be concerned about having contracts in firms in this country where there are subversives. I am sure every member of this committee knows that under our foreign-aid program and offshore procurement that about \$2 billion worth of contracts have been placed in European countries like Italy where 25 percent of the workmen belong to the Communist organization.

Senator SYMINGTON. I would say to my good friend from Idaho that could not be more true, and if he would be kind enough to read a report which the distinguished senior Senator from New Hampshire and I have recently put out, he would see just how worried we are about the condition which he brings up.

Senator DWORSHAK. That was a splendid report.

Senator SYMINGTON. I thank the Senator very much. I might say the reason it is a splendid report is primarily due to Senator Bridges and his great staff.

Mr. COHN. Senator Symington, if I might try to clarify this for you, I don't know whether the Defense Department is entirely blameless or not. I think that it has been suggested to us that there are certain things which the Defense Department can do under certain congressional acts. I know that there is at least one instance where the situation got so bad that one department or another just issued an instruction to a company saying, "If you recognize such-and-such a union which is Communist-dominated, we will withdraw all our contracts." That was at the Knolls Atomic Laboratory, upstate in New York.

Senator SYMINGTON. Mr. Cohn, I haven't got the 10 minutes, but I would urge on you, even if you would not think it would expedite getting these security risks out of the defense plants, by giving it to another committee of the Congress, I would urge that immediately the names be given to the FBI, in order that they may acquaint the Department of Defense with this problem.

Mr. COHN. I am sure the FBI has them.

Senator SYMINGTON. I would like to support without reservation the position taken by my colleagues with respect, Mr. Chairman, to why we left the committee. At this point I will mention that the first paragraph of the Crouch memorandum, which I read quickly, has in it "1,000 Communists are in the Army." That is the way I remember reading the Crouch memorandum. Is that correct?

Mr. COHN. I believe that is true.

Senator SYMINGTON. That was his estimate based on his experience, which went back a long way?

Mr. COHN. That is right, sir.

Senator SYMINGTON. If that is true, certainly a matter of that character should be brought up with the members of this committee, and not just filed, shouldn't it?

Mr. COHN. Senator Symington, once again, that goes into the operation of the committee, and a small group trying to do a big job. A lot of other things like that came in at the same time and at later dates bearing on other sensitive Government agencies with equally alarming situations, sir. When we get something like that, we try to track it down.

Senator SYMINGTON. The 2 1/4-page memorandum talked about 35 subversive cases, but the Crouch letter in March talked about 1,000 Communists in the Army, which would be one-twenty-fifth of all the Communists, according to the FBI information, in the United States.

Mr. COHN. Yes, sir.

Senator SYMINGTON. Has that information never been given to the FBI?

Mr. COHN. Senator Symington, I am sure that the FBI has all of that information, all of the names on the defense plant people, and a lot more.

Senator SYMINGTON. Was the information given to the Department of Defense when you got the letter? Did this committee get in touch with the Department of Defense and say they had a document which showed there were a thousand Communist members in the Army or the Navy or the Air Force?

Mr. COHN. No, sir; it did not.

Senator SYMINGTON. Mr. Chairman, some days ago I mentioned that Mr. Struve Hensel was the chief lawyer of the Department of Defense. While I have this opportunity, I would like to correct that statement. I understand that he was the chief lawyer, but that now he is Assistant Secretary of Defense in charge of foreign aid. I believe that is correct.

Mr. COHN. You think a lot of the FBI. I am right about that, aren't I?

Mr. COHN. There is no organization or law-enforcement agency in the world of which I think as much or more.

Senator SYMINGTON. I agree with you about that, as you know.

Right now, on this question of information and informants, I notice that Senator Hickenlooper asked this question of Mr. Hoover some years back in testimony. He said:

Are you aware of any occasion when FBI investigating files have been made available by anybody to congressional committees or to individual Members of Congress?

And Mr. Hoover answered:

I am not aware of any loyalty reports being made available to any committee by any agency or any individual in the Government, because there is a direct Presidential directive prohibiting it. I know, insofar as the Federal Bureau of Investigation is concerned, no confidential reports of the Bureau have ever been made available to anybody.

Would you care to comment on those remarks by Mr. Hoover?

Mr. COHN. No, sir; I don't believe they require any comment by me.

Senator SYMINGTON. Do you believe he is right in his position?

Mr. COHN. Sir, you will never get me to say Mr. Hoover is wrong in any position he takes.

Senator SYMINGTON. Then do you believe you could ever have gotten this letter from the FBI?

Mr. COHN. Could we have gotten it from the FBI?

Senator SYMINGTON. Yes.

Mr. COHN. We could not have, sir.

Senator SYMINGTON. But you could get it from the Army?

Mr. COHN. We got information from the Army that after the FBI had forwarded information to the Army, the Army had ignored what the FBI had sent and that there was an example of laxity and——

Senator SYMINGTON. Just one more question, Mr. Chairman.

Why, if it is wrong for the committee to get it directly from the FBI, is it right to get it from the FBI through the Army files?

Mr. COHN. Because, sir, it was not a question of getting the information. It was a question of whether the executive had received information which it had failed to act on, thus presenting a situation of inefficiency and mishandling on the part of the executive which would come under the direct purview of this committee by the mandate of the Legislative Reorganization Act.

Senator MUNDT. The Senator's time has expired.

The Senator from Wisconsin?

Senator McCARTHY. Mr. Chairman, there has been much questioning of the witness as to why information which this committee has was not forwarded to the Defense Department or to the FBI. The answer to that is very, very simple. We know that all the information which we have is available to the Department concerned. There would be no reason to get information from a Department file and turn around and send it back to that Department. It would be a great waste of time.

Mr. Chairman, I would like to make an announcement here, if I may. I talked to Senator Flanders on the floor of the Senate. I pointed out to him that yesterday he made a speech attacking me. I pointed out that he had not indulged in the usual courtesy of calling me and telling me he was going to attack me. I pointed out that he had in effect made the statement that the Senator from Wisconsin was guilty of some wrongdoing. I told him I thought, if that were true, the committee was interested in getting the facts under oath.

I pointed out that the three Republican Senators here had not hesitated in taking the oath when they had information. I asked him whether he was willing to come over here and, under oath, tell us what he knew about this alleged wrongdoing.

He said that he had no information of any kind or nature except what he had read in the daily newspaper.

However, I do think, Mr. Chairman, that in view of the fact that this attack was made during the hearings—and may I read just one line from it—“Can it be that our Dennis the Menace”—meaning McCarthy—“so effective in making trouble for his elders, has at last gotten into trouble himself? Does the committee plan to investigate the real issues at stake?”

I think if the Senator from Vermont knows of any trouble in which the Senator from Wisconsin has gotten, he should come over under oath and tell us about it. I think if he feels the committee needs his advice in order to investigate what he thinks are the real issues, he should give us that valuable advice.

I am not going to make the formal request of the Chairman that he be called, but I wish the Chair would call the Senator from Vermont and talk with him and see if he does have any information. If not, I think he should publicly admit that this was a smear manufactured out of whole cloth. I would like to have the Chair consider calling him, if he would.

Mr. Cohn, one of the questions raised by the Senators was whether or not the committee was necessary to expose Communists and whether that couldn't be done by the department involved. I wonder if you would tell us the experience you had when you were working for the, I believe it was the last administration, in the Department of Justice when you presented the case of Communist infiltration of the U. N. to the grand jury. Will you tell us what obstacles were placed in your way and what difficulty you had in getting that Communist infiltration exposed?

Mr. COHN. Yes, sir; very briefly the situation there was that we started off with one member of the Silvermaster spy ring, with which I know Senator Mundt is familiar from his work on the Un-American Activities Committee, namely Irving Kaplan. It developed that despite the fact that the man had been named as a Communist spy he ended up working on the Secretariat of the United Nations.

He continued on the Secretariat of the United Nations. We called him in before the grand jury. One thing led to another. Before many months went by it developed there were some 35 or 36 fifth-amendment Communists working in fairly important positions on the Secretariat of the United Nations, all of them being American citizens. Many of them—

Senator McCARTHY. Did you present that case to the grand jury?

Mr. COHN. Many of them had worked for the administration before they had gone with the Secretariat of the United Nations. We presented the case to the grand jury. The grand jury was very incensed about it and prepared a presentment to make public all of the facts concerning the existence of this network of American Communists in the Secretariat of the United Nations.

There were attempts by certain people in the Justice Department to stop the issuance of that presentment. They succeeded temporarily.

They failed ultimately. In December of 1952, the beginning of December the presentment was finally issued and made public, sir. Then there was a brief congressional investigation.

Senator McCARTHY. Let me ask you this, Mr. Cohn: Had you something to do with the Hiss case, I believe, also; is that right?

Mr. COHN. I had. What I had to do with the Hiss case is not important enough to mention here, sir.

Senator McCARTHY. Enough to do with it so that you are aware of the facts in the case. Let me ask you this: Are you convinced if it had not been for a congressional committee having exposed the facts in the Hiss case, that Alger Hiss today would be free?

Mr. COHN. Yes, sir.

Senator McCARTHY. Mr. Cohn, I referred earlier to an investigation of the CIA in response to Mr. Jackson's question about what other investigations we were conducting. I think perhaps we should recap the facts in that case for the benefit of the Senators. Let us see if this is correct.

We had a sizable number of complaints about alleged Communist infiltration and corruption and dishonesty in the CIA.

After we had made a preliminary investigation is it correct that we decided that I should have a meeting with two of the members of the White House staff, a representative of the Attorney General, one of our highest elected officials in the executive branch—I am not referring to Eisenhower—and at that time I reported back to the staff that I was convinced by those White House aides, Justice Department, and other individuals present, that at that time it would not be in the public interest to hold public hearings on the CIA, that that perhaps could be taken care of administratively.

Senator JACKSON. Would the Senator be good enough to yield?

Mr. COHN. Yes, sir.

Senator JACKSON. I was just wondering whether we are going into another subject right now. I might say that as one member of the committee I never heard about this meeting with the White House staff.

Senator McCARTHY. You would not have, because you were not on the committee. You had absented yourself from the committee.

Senator JACKSON. Wait a minute. You recall, Senator, you did have Mr. Dulles up while we were on the committee. When was this meeting?

Senator McCARTHY. I think it was after you left, Senator.

Senator JACKSON. Are you sure?

Senator McCARTHY. I am reasonably certain I am.

Senator JACKSON. If we had been on the committee, we would have investigated it. Was the investigation stopped?

Senator McCARTHY. I may say Senator Symington made the suggestion that I contact the White House before we decide to have any public hearings and discuss it with the White House whether or not we would get complete cooperation from the White House and further whether it would endanger national security. I don't think the meeting was held until after you actually left the committee. I can check the dates on that. Wait just a second. I think the meeting was held before you left the committee. Senator Symington, would you know whether I reported back on that?

Senator SYMINGTON. Would the Senator yield to me?

Senator McCARTHY. I would be glad to.

Senator SYMINGTON. At the time the committee was considering investigating the Central Intelligence Agency, I asked the Senator from Wisconsin, because of my conviction that it was one of the most sensitive agencies from the standpoint of our national security, that before he went ahead with the investigation he cleared it through the President's staff, and he said at that time that he would be glad to do it that way.

Am I correct?

Senator McCARTHY. That is absolutely correct.

Senator JACKSON. That clarifies that. I had no recollection of that part.

Senator McCARTHY. I think, Senator Jackson, the meeting was actually held before the Democrats left the committee. I thought in view of the fact that you had raised that, we should make that clear. How much time have I left out of my 10 minutes?

Senator MUNDT. About 45 seconds.

Senator McCARTHY. O.K. I will leave it that way. Just this one question: Mr. Cohn, do you agree with me that, No. 1, the administration is certainly heading in the right direction so far as getting rid of Communists are concerned, and, No. 2, that it is ridiculous, a complete waste of time to have these exchanges of statements between the White House and this committee, that there is no reason on earth why there should be any contest between the executive department and this committee insofar as exposing Communists, graft, and corruption is concerned, that we all should be heading the same way, there should be none of this silly bickering, fighting about this exposure, that we should be getting the complete cooperation from the executive and that should be flowing both ways, of course?

Senator MUNDT. The Senator's time has expired. You can answer the question.

Senator McCARTHY. Let me finish the question. And if that could be accomplished, a great service could be performed for the country?

Mr. COHN. I am sure of that, sir.

Senator MUNDT. Mr. Welch, you have 10 minutes. After your 10 minutes, we will recess.

Mr. WELCH. Mr. Chairman, ordinarily, with the clock as late as it is, I would call attention to it, but not tonight.

Mr. Cohn, what is the exact number of Communists or subversives that are loose today in these defense plants?

Mr. COHN. The exact number that is loose, sir?

Mr. WELCH. Yes, sir.

Mr. COHN. I don't know.

Mr. WELCH. Roughly how many?

Mr. COHN. I can only tell you, sir, what we know about it.

Mr. WELCH. That is 130, is that right?

Mr. COHN. Yes, sir. I am going to try to particularize for you, if I can.

Mr. WELCH. I am in a hurry. I don't want the sun to go down while they are still in there, if we can get them out.

Mr. COHN. I am afraid we won't be able to work that fast, sir.

Mr. WELCH. I have a suggestion about it, sir. How many are there?

Mr. COHN. I believe the figure is approximately 130.

Mr. WELCH. Approximately one-two-three?

Mr. COHN. Yes, sir. Those are people, Mr. Welch——

Mr. WELCH. I don't care. You told us who they are. In how many plants are they?

Mr. COHN. How many plants?

Mr. WELCH. How many plants.

Mr. COHN. Yes, sir; just 1 minute, sir. I see 16 offhand, sir.

Mr. WELCH. Sixteen plants?

Mr. COHN. Yes, sir.

Mr. WELCH. Where are they, sir?

Mr. COHN. Senator McCarthy——

Mr. WELCH. Reel off the cities.

Mr. COHN. Would you stop me if I am going too far?

Mr. WELCH. You can't go too far revealing Communists, Mr. Cohn. Reel off the cities for us.

Mr. COHN. Schenectady, N. Y.; Syracuse, N. Y.; Rome, N. Y.; Quincy, Mass.; Fitchburg, Mass.; Buffalo, N. Y.; Dunkirk, N. Y.; another at Buffalo, N. Y.; Cambridge, Mass.; New Bedford, Mass.; Boston, Mass.; Quincy, Mass.; Lynn, Mass.; Pittsfield, Mass.; Boston, Mass.

Mr. WELCH. Mr. Cohn, you not only frighten me, you make me ashamed when there are so many in Massachusetts. [Laughter.] This is not a laughing matter, believe me. Are you alarmed at that situation, Mr. Cohn?

Mr. COHN. Yes, sir; I am.

Mr. WELCH. Nothing could be more alarming, could it?

Mr. COHN. It certainly is a very alarming thing.

Mr. WELCH. Will you not, before the sun goes down, give those names to the FBI and at least have those men put under surveillance?

Mr. COHN. Mr. Welch, the FBI——

Senator McCARTHY. Mr. Chairman.

Mr. WELCH. That is a fair question.

Senator McCARTHY. Mr. Chairman, let's not be ridiculous. Mr. Welch knows, as I have told him a dozen times, that the FBI has all of this information. The defense plants have the information. The only thing we can do is to try and publicly expose these individuals and hope that they will be gotten rid of. And you know that, Mr. Welch.

Mr. WELCH. I do not know that.

Mr. Cohn, do you mean to tell us that J. Edgar Hoover and the FBI know the names of these men and are doing nothing about them?

Mr. COHN. No, sir. I mean to say——

Mr. WELCH. Do you mean to tell us they are doing something about them?

Mr. COHN. Yes, sir.

Mr. WELCH. What are they doing about them?

Mr. COHN. Here is what they do about them. They notify the Defense Department and the appropriate security——

Mr. WELCH. Don't they put them under surveillance?

Mr. COHN. Appropriate security agencies involved. The FBI gives them full information. It is then up to them, the places where the information goes, to decide whether or not they will act on the FBI information. All the FBI can do is give the information. Their power ends right there.

Mr. WELCH. Cannot the FBI put these 130 men under surveillance before sundown tomorrow?

Mr. COHN. Sir, if there is need for surveillance in the case of espionage or anything like that, I can well assure you that Mr. John Edgar Hoover and his men know a lot better than I, and I quite respectfully suggest, sir, than probably a lot of us, just who should be put under surveillance. I do not propose to tell the FBI how to run its shop. It does it very well.

Mr. WELCH. And they do it, don't they, Mr. Cohn?

Mr. COHN. When the need arises, of course.

Mr. WELCH. And will you tell them tonight, Mr. Cohn, that here is a case where the need has arisen, so that it can be done by sundown tomorrow night?

Mr. COHN. No, sir; there is no need for my telling the FBI what to do about this or anything else.

Mr. WELCH. Are you sure they know every one of them?

Mr. COHN. I would take an oath on it, sir. I think the FBI has complete information about the Communist movement in this country and that would include information about these people.

Mr. WELCH. That being true, Mr. Cohn, can you and I both rest easy tonight?

Mr. COHN. Sir, I certainly agree with you, it is a very disturbing situation.

Mr. WELCH. Well, if the FBI has got a firm grasp on these 130 men, I will go to sleep.

Do you assure me that is so?

Mr. COHN. Sir, I am sure that the FBI does its job well, that it knows all about these people, that it has told the appropriate agencies about these people, and that the failure to act goes elsewhere than in the hands of the FBI.

Mr. WELCH. Just for the purpose of safety, for fear something could be missed somewhere, would you mind, as a patriotic American citizen, sending the 130 names over to the FBI tonight?

Let's be sure we are not taking any chances.

Mr. COHN. I wouldn't mind it at all, sir.

Mr. WELCH. Would you do it, sir?

Senator McCARTHY. Would you yield?

Mr. WELCH. No; I won't yield. I want to find out if he will do it and if he won't, will you do it?

Senator McCARTHY. You asked a question. Will you let me answer it?

Mr. WELCH. I asked it of the witness, sir.

Senator McCARTHY. I want you to know that the FBI has complete access to any files we have, any information we have, at any time.

Mr. Welch knows, I am sure you do, Mr. Welch, that the FBI has no power to order anyone fired. You know that, for example, in the Alger Hiss case, the FBI had furnished all the information and he still rose to be a top man in the State Department. You know, Mr. Welch, that the FBI furnished all the information on the spy Harry Dexter White. You know that despite that fact, Mr. Welch, despite the fact that the FBI had given all of the information, and sent over reports day after day after day, Harry Dexter White, the Communist spy, got to be a top Treasury official. So let's not deceive

the American people by blaming the FBI for Communists being in defense plants.

The FBI has no power to get them out. We don't know at this time which ones are under surveillance. We don't know how badly J. Edgar Hoover may be disturbed or may not be disturbed by this. We do know, however, that from the two and a half page memorandum that was submitted here the other day, that someone in the FBI was very, very deeply disturbed about Communists in the radar laboratory.

So let's not make the mistake, Mr. Welch, if we can agree on this, of trying to lead the American people to believe that the FBI can do anything beyond getting the information. That is all they can do.

Mr. WELCH. Well, Mr. Chairman, my confidence in the FBI is simply limitless, and I think Mr. Cohn's confidence is similar; is that right, sir?

Mr. COHN. Yes, sir; that is right.

Mr. WELCH. All I am suggesting is that we just nudge them a little and be sure they are busy on these 130.

Would you mind helping nudge them?

Mr. COHN. Sir, you do not have to nudge the FBI about this or about anything else.

Mr. WELCH. Then they have got the whole 130, have they, Mr. Cohn?

Mr. COHN. I am sure of it, sir, and a lot more.

Mr. WELCH. Then what is all the excitement about, if J. Edgar Hoover is on the job chasing these 130 Communists?

Mr. COHN. Mr. Welch, all the excitement is about the fact that even though J. Edgar Hoover has information on Communists in Government and defense plants, and that even though he has forwarded that information time and time again to the appropriate agencies and places, some of those agencies and places have failed to take action on the basis of reports submitted by Mr. Hoover.

Mr. WELCH. Then, as a second line of defense, let's send the 130 names to the Department of Defense tonight. Would you mind doing that?

Mr. COHN. Whatever the committee directs on that, sir.

Mr. WELCH. I wish the committee would direct that all the names be sent both to the FBI and to the Department of Defense with extreme suddenness.

Senator DIRKSEN. Mr. Chairman, I am most distressed of spirit to have to intrude a point of order in here, but if my recollection of the resolution adopted by the committee is correct, we have suspended all the activities of the regular investigating committee, and I doubt very much whether any names could be messaged to the FBI or Mr. Wilson or anybody else until this investigation has been concluded and the work can go on.

Mr. WELCH. Mr. Chairman, if you will give them to me, I will go down personally with them to both addresses before sundown tonight.

Senator DIRKSEN. We are immobilized in the regular operations of the committee, Mr. Welch.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. I have had my differences with Mr. C. E. Wilson primarily about the size of the Air Force, but I believe that he is a good American working hard for his country, and I move now that this committee give him the names of these 133 Communists,

regardless of any bureaucracy involved, either in the executive branch or the legislative branch. I move that he gets the names, and I believe he will have them out of those plants within a very short period of time. Mr. Chairman, I so move, that we give the names immediately to the Department of Defense in the interest of the security of the United States.

Senator JACKSON. I second the motion.

Senator MUNDT. You have heard the motion made and seconded. Is there any discussion?

Senator DIRKSEN. Mr. Chairman, I am not disposed to discuss it. I just want to see the regularity preserved. The question is, does this special subcommittee have any authority over the matter? We have completely immobilized the regular committee by suspending all of its operations. This committee was convened for a very specific purpose: To conduct these investigations.

I simply remind the committee that we have immobilized ourselves and can do no regular business until this investigation has been concluded. If the Senator from Illinois is wrong, he wants to be so advised by the Chair.

Senator SYMINGTON. Mr. Chairman, I will say this: Regardless of any technical details about committees or committee functions, this matter has come up in these hearings. It was not advanced by any member of the committee, to the best of my knowledge, unless it was the chairman himself, of the permanent committee.

I say without any reservation that regardless of any technicalities, if there are one-hundred-thirty-some Communists in defense plants of the United States, every day that they are there they are a menace to the security of the United States.

I believe that the Department of Defense, under General Eisenhower, would throw them out immediately if they got the names of them, and my motion stands.

Senator McCARTHY. Mr. Chairman—

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. No. 1, I have no objection at all to giving any information we have about Communists to the Department of Defense. No. 2, I know that they already have it. I would like to point out to Senator Symington an example of the situation we run into. It isn't a case of lack of information on the part of the Department. Take for example in the Printing Office. We found the FBI had given 40 different reports to the Security Board of the Government Printing Office in regard to a man who was accused by FBI informants of stealing secrets, of being a top Communist. I was questioning the loyalty board why they kept him on handling secret material in view of the 40 different FBI informants who were willing to testify as to his Communist activities. The answer was, "It wasn't our practice to call anyone to give derogatory information."

Senator SYMINGTON. Will the Senator yield just a minute? I yielded to him a minute ago.

Senator McCARTHY. May I finish, sir? It is not a question of the security officers, not having information. We have every reason to believe they have all the information that we have, and more. However, if there is any question about that, anyone from the Defense Department, any one of their security officers can come over

and sit down with our staff any time of the day or night and get all of the information they want.

I would like to make this motion, if I may.

Senator MUNDT. We have one motion before us.

Senator McCARTHY. A substitute motion, Mr. Chairman. I assume that this has been transformed now from the special committee into our regular subcommittee.

Senator MUNDT. The Chair does not believe he could entertain a motion from the Senator from Wisconsin because the only committee convened here is the special investigating committee of which the Senator from Wisconsin is not a member.

Senator McCARTHY. May I say, Mr. Chairman, if the Senator from Missouri is making a motion as to what the regular investigating committee will do, in view of the fact that all of us are present, would you mind if we just transformed ourselves into a meeting of that committee so I can make a—will the Chair do this for me to avoid—

Senator MUNDT. May the Chair say this, which may solve the problem?

Senator McCARTHY. To avoid the technicality, will the Chair do this? Will the Chair make the substitute motion for me that the regular investigating committee be allowed to start to hold public hearings on Communists in defense plants at any time that this committee is not sitting? That would be on any evening, any Saturday, not any Sunday of course. If we could do that we can get rid of a lot of work while this committee is in progress. I make that motion very seriously, Mr. Chairman, because it appears now that we will be going on here for weeks, maybe months, and I frankly feel the only way we can get rid of those Communists in defense plants is to publicly expose them. We have gotten rid of a sizeable number in that fashion in the past. If this is not a meeting of the regular investigating committee, then if the Chair would make that motion for the special committee, so I can start holding public hearings in the evenings and at the convenience of the Senators on this committee.

Senator MUNDT. The Chair would like to remind all of his colleagues that we are meeting here as a special investigating committee, of which the Senator from Idaho is a member and of which the Senator from Wisconsin is not. The Chair also recognizes that we have no jurisdiction whatsoever over any of the files or records possessed by the regular investigating subcommittee. The Chair was about to say that he is calling an executive committee meeting for another purpose, which he will announce shortly, at 9:30 tomorrow morning in room 357. He believes at that time all of the individuals who are now here will be there then, and we might better reassemble ourselves temporarily, if it is desirable, as a regular subcommittee and make what motions can be made at that time. He doesn't see how we can very well wear two hats in a situation of this kind. So if you would all be willing to hold your motions in abeyance—

Senator SYMINGTON. Mr. Chairman, I am worried about these Communists in defense plants, and I mean it. I would like to have my motion voted on tonight unless you think it is wrong.

Senator MUNDT. We are willing to vote on it. I simply point out we have no jurisdiction of any kind over the files because these 130 names are not in the possession of our special investigating committee.

Senator JACKSON. Mr. Chairman, might I just point out that this matter of the 135 Communists is before this committee inasmuch as it has come up in connection with testimony and statements made from time to time over a long period of time. It would seem, therefore, that this committee certainly has the right to insist that that information relating to the 135 Communists be properly disposed of. I think this committee has jurisdiction by reason of what has occurred in these hearings. It has been brought into the hearings, and if this committee is impotent to act on matters that are brought into the hearings, then we are wasting a lot of time.

Senator MUNDT. The only difficulty, Senator Jackson, is that we are talking about a list of names which is not in the possession of this committee.

Senator JACKSON. Then why don't we simply——

Senator MUNDT. May the Chair say he is 100 percent in agreement with the idea of making positive that the Defense Department and the FBI have the list of names. He believes the proper way to do it is to do it by a motion made in the regular committee of which Senator McCarthy is chairman, and which the Chair will be happy to make tomorrow morning; or, if your motion will read that you recommend that that be done, I would certainly say it is an appropriate motion.

The Chair is willing to vote for it anyhow, but simply points out——

Senator SYMINGTON. I would be glad to modify it if you think that is the proper way to do it. I modify it in accordance with your suggestion.

Senator MUNDT. The motion is made and seconded, then, that this special subcommittee recommend to our regular investigating subcommittee that these names be turned over to the Defense Department.

Senator SYMINGTON. To the Secretary of Defense.

Senator MUNDT. Senator McCarthy?

Senator MCCARTHY. I don't feel too deeply in need of the advice of the Senator from Missouri at this time on the question of exposing Communists. He came back on the committee after discussing with the Army—not the Army, but with Mr. Stevens and Mr. Adams—the possibility of stalling our investigation of the loyalty board which had been clearing Communists. I don't know what prompted him to come back. I am sure he didn't come back for the purpose of immobilizing the committee. The result has been that the committee has been immobilized. I have been trying to get back to our work as quickly as we can. I am not impressed, Senator Symington, with this great, sudden show of interest you have in Communist infiltration after you got through making a speech yesterday that you thought that the people who gave us the information about these Communists should go to jail.

Yesterday you had a different hat on. Yesterday you thought the people who give us the information about these Communists violated the law and have been guilty of some crime. You were warning them over television not to give us information.

Tonight, suddenly you have a great concern about this. May I say, I don't need the advice of the Senator from Missouri. This special subcommittee can pass whatever resolution they want to advising me.

I want them to know that it is unnecessary; that every piece of information we have is now, always has been available to the FBI. There is nothing secret insofar as the Defense Department is concerned about the Communists in defense plants. Vote whatever you want on that.

Senator SYMINGTON. Mr. Chairman, I rise to a point of personal privilege.

Senator MUNDT. Senator Symington.

Senator SYMINGTON. I did not discuss blocking any Communist investigation with Secretary Stevens or Mr. Adams. I believe that anybody who tried to block a Communist investigation would be a poor American, and I certainly have no desire to be that. The Secretary of the Army, with the Chief of Staff of the Army, Mr. Stevens and General Ridgway, came to my office to see me, and during the discussion they told me that the testimony and the way that General Zwicker was being treated, was very damaging to the morale of the Army to the point that they were very worried about it.

That is what Secretary Stevens told me. The next day, or the day after that, I was leaving for Europe with Senator Bridges, and so I told Secretary Stevens that I would do my best to block any further testimony of Army witnesses until I came back. I was biased for the United States Army, I will always be biased for the United States Army. When, as a member of the Armed Services Committee, the Secretary of the Army with a great general comes to me and says that the way this committee is operating tends to destroy the morale of this Army, I have been around the world enough and enough times to know that that is a serious matter from the standpoint of the security of the United States, and I did my best to stop any investigation of the Army until I got back from that trip.

If that is wrong, I accept it. I would do it again. I believe in the United States Army.

Now, there is one question I would like to ask. What I said yesterday had to do with confidential information that came from informants, and I would like to know now if the 133 names came from the confidential files of any Government agency to this committee from informants comparable to the young Army intelligence officer we have been told gave the letter purported to be signed by Mr. Hoover to this committee.

Senator McCARTHY. Would you like an answer to that, Senator?

Senator SYMINGTON. I would like to have you answer it, Senator McCarthy, I would like it very much because it disturbs me very much from the standpoint of security.

Senator McCARTHY. I will give you the answer. Tonight you are very disturbed about the one hundred and thirty-odd Communists in defense plants. Last night you were advising people not to give me information about those Communists. I can tell you now that the information in regard to those one hundred and thirty-odd Communists did come to us in a number of instances from confidential informants, the kind of people whom you say should be jailed for giving us the information.

Senator SYMINGTON. I am only referring to secret documents, Senator. May I ask if any of the information came in secret documents?

Senator McCARTHY. You may ask.

Senator SYMINGTON. Well, I appreciate the courtesy of the Senator from Wisconsin, and I would like to get him on the record right now. Is he going to take the 133 names of these Communists and in the interest of the national security in this age of total peril against Soviet communism give them tonight to the Secretary of Defense or is he going to hold them until these hearings are over?

Senator McCARTHY. The Senator should not ask such a silly question. The Senator knows that the security officers who are charged with the security of these plants, as far as we know, have all the information which we have—may I have the Senator's attention?

Senator SYMINGTON. I am sorry. I was talking to my counsel. I am not sorry. I will state a fact.

Senator McCARTHY. Let me answer the Senator's question. The Senator says will we give the Defense Department the information about the one hundred and thirty-odd Communists. I want to tell the Senator, as far as we know the security officers have all the information which we have and more. However, if anyone from the Defense Department wants to come over and talk to members of my staff who are not immobilized in this hearing, they can do so. I will not order Mr. Cohn who has been testifying all day long, to spend his nights with the Defense Department or anyone else. I will not order anyone else who is immobilized by this hearing. But we do have sufficient staff, I believe, so that if anyone from the Defense Department wants to come over and sit down with them, they may do that.

I sincerely hope that my good friend from Missouri, now that he learns the importance of these Communists in defense plants, might advise the American people that they should disregard the advice he gave them last night to keep information about Communists secret.

Senator MUNDT. Are you ready to vote? Those in favor say aye. Contrary, no.

It is carried unanimously.

Mr. Welch, you have what remains of your 10 minutes.

Mr. WELCH. Well, I think it pretty well disappeared. I think my next question now, in view of the vote, would be: What time is it, Mr. Chairman?

Senator MUNDT. The counsel advised me, or the timekeeper, that your time has expired.

The Chair has two announcements to make. No. 1, so that I will not have to meet all of the press immediately after this meeting, in response to the question raised by Senator McCarthy, whether I will call Senator Flanders as a witness before this committee, may the Chair say that he is not going to call Senator Flanders or any of the other people of whom there are several who are commenting about these hearings on a day-to-day basis.

The Chair would like to add to that that, of course, if Senator Flanders has any information which is pertinent to this investigation, he or any other Senator will be welcomed as a witness before the committee, and all witnesses before this committee must testify under oath.

Senator McCARTHY. Could I have the Chair's attention?

I did not ask the Chair to call him as a witness. I asked if the Chair would phone him, call him up and ask if he has information, and if he has, I think he should volunteer to come. I realize you can't subpoena him.

Senator MUNDT. The Chair believes this blanket announcement will go for Senator Flanders and the 85 other Members of the Senate. Any of them are welcome to testify before this committee any time they have important information to provide and if they testify, they will testify under oath as other witnesses.

The second announcement is that at 9:30 tomorrow morning in room 357 we will have an executive session of the committee primarily to discuss a request presented in an open letter to this committee by Struve Hensel requesting that the hearings that we held among ourselves, and the conversations of our executive session of May 17 be released to the public.

We will take it up at 9:30 in the morning. Anything in addition, Senator Jackson?

Go ahead.

Senator JACKSON. Yes, and I believe that there should be made available to the committee only, members of this committee, the type-written copies of hearings held in executive sessions in connection with the interrogation of witnesses.

Senator MUNDT. We are also going to discuss whether we should have a change in our rules about the executive testimony. Up to now the Chair is operating under instructions from his committee to keep the stenographic notes locked up in his safe, which he has done.

Senator Jackson suggests maybe we would like to have them typed up and to be made available to all committee members. We will discuss that also at the meeting tomorrow morning.

Senator McCLELLAN. Is it not correct, Mr. Chairman, that two witnesses have received copies of their testimony?

Senator MUNDT. Correct: on motion made by the committee. Mr. Joseph Alsop and General Lawton have received copies of their testimony.

Senator McCLELLAN. May I inquire, Mr. Chairman, if other witnesses have requested copies of their testimony?

Senator MUNDT. The only other witnesses who have requested it are those who appeared in conjunction with an overall meeting of the committee where we have to have some special rule to apply to it.

Senator McCLELLAN. I just want us to have a uniform rule.

Senator JACKSON. May I say, Mr. Chairman, I don't have any particular desire to look at any particular testimony. It is only that the members of this committee are charged with knowledge of the testimony taken in executive session and it is not possible for all of us to be at those sessions. I think all of us have a heavy enough responsibility without being put in the position where we might be charged with knowledge of something we don't have anything about.

Senator MUNDT. The Chair is operating under the motion which now obtains. We will stand in recess until 10 o'clock tomorrow morning.

(Whereupon, at 5:55 p. m., the committee was recessed, to reconvene at 10 a. m. the following day, Thursday, June 3, 1954.)

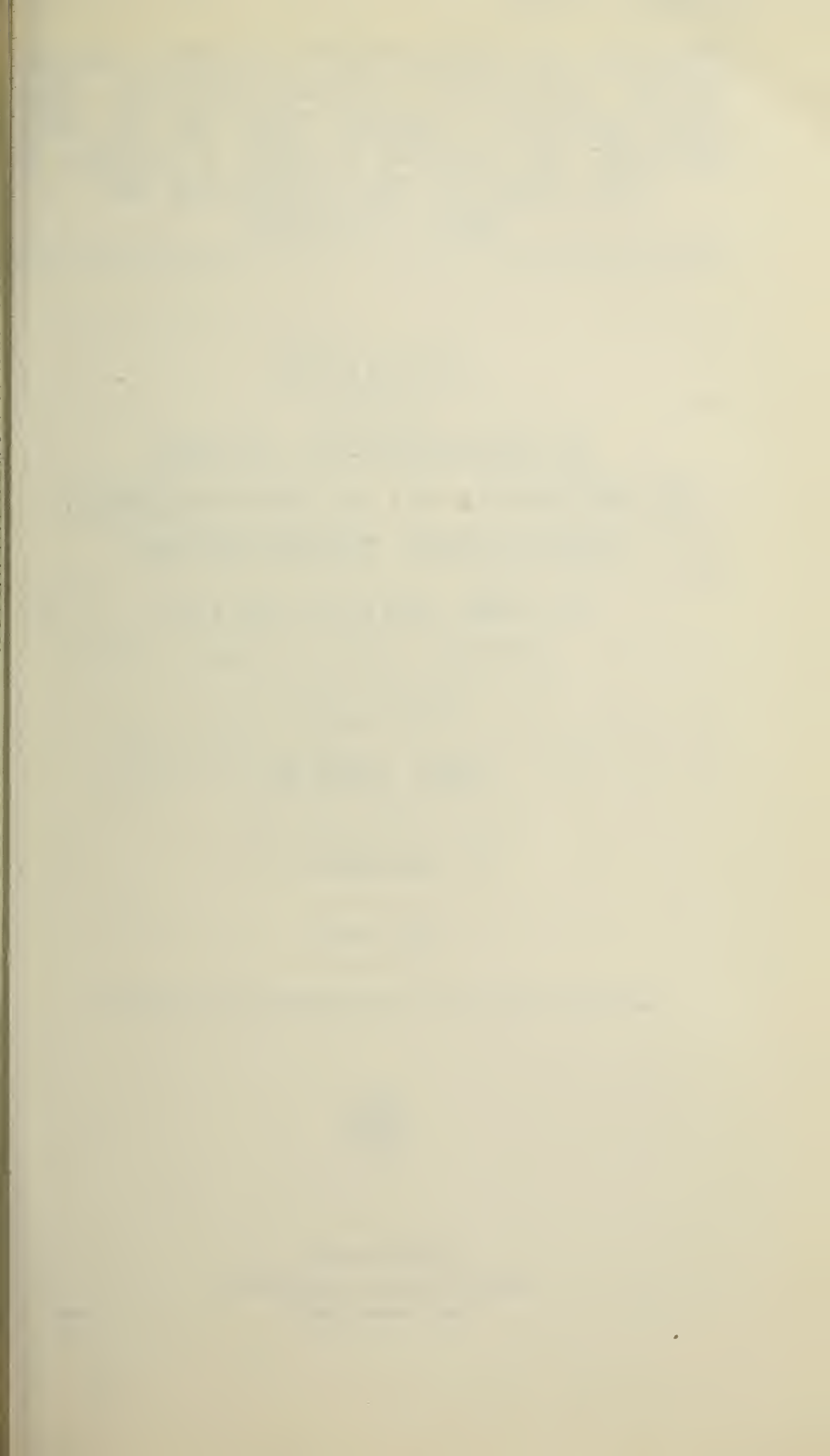
INDEX

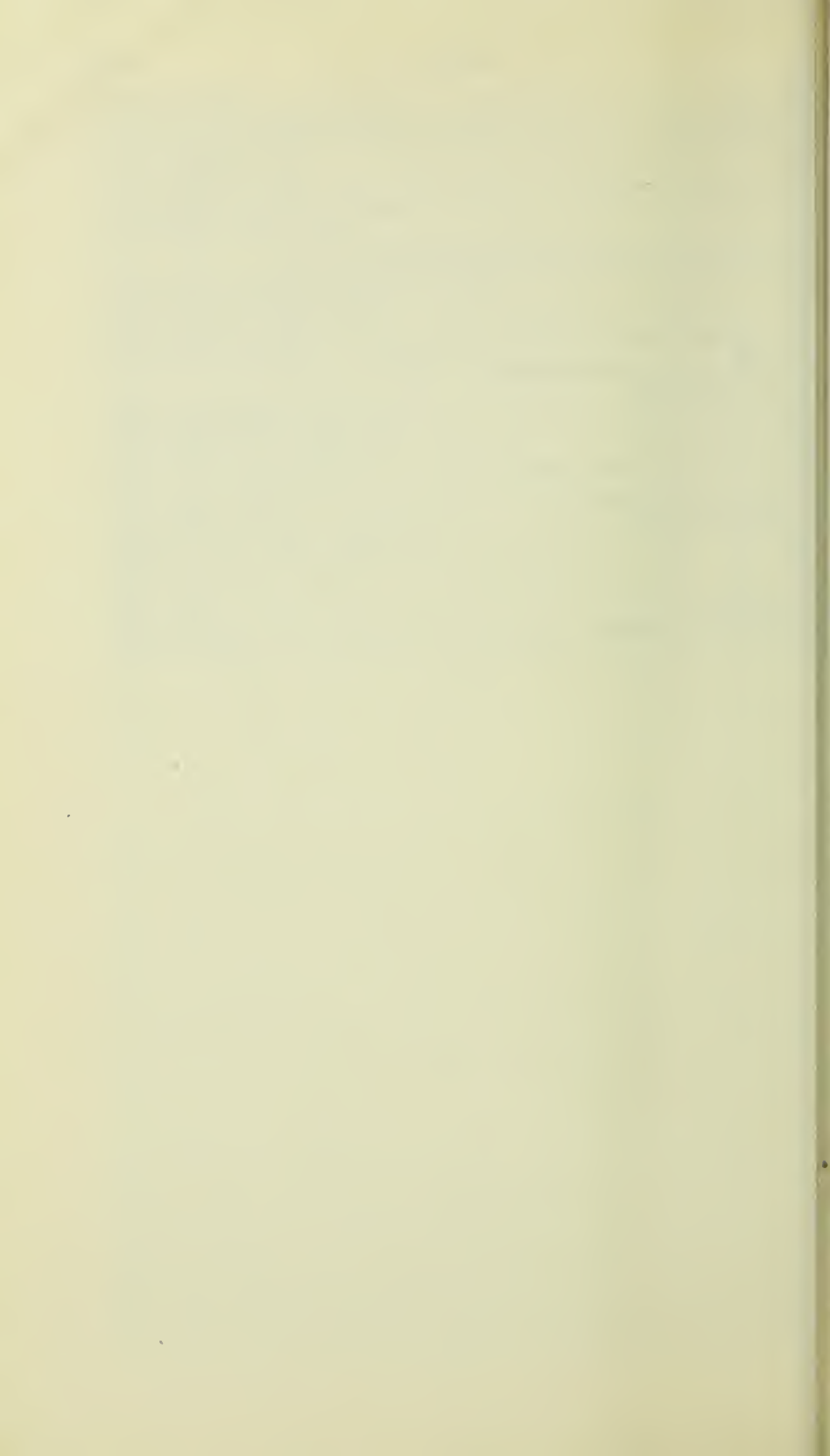
	Page
Belson, Ernie-----	1906
Acting Director (Public Affairs Office, High Commissioner of Germany)-----	1918
Dams, John G-----	1909, 1925, 1927-1929, 1931-1933, 1951, 1952
Air Force (United States)-----	1929-1933, 1937-1941, 1948
Air Force base-----	1932
Air Force Intelligence-----	1938
Allied forces (European theater)-----	1911
Isop, Joseph-----	1954
American Communists-----	1943
Armed Forces (United States)-----	1912
Armed Services Committee (Senate)-----	1952
Army (United States)-----	1908, 1911-1915, 1926-1931, 1933, 1937, 1938, 1940-1942, 1951, 1952
Army Chief of Staff-----	1952
Army files-----	1942
Army Intelligence (G-2)-----	1937
Army intelligence officer-----	1952
Army Loyalty Board-----	1924
Army officers-----	1926
Assistant Secretary of Defense-----	1941
Attorney General of the United States-----	1907, 1944
Boston, Mass-----	1946
Bridges, Senator-----	1952
Brownell, Mr-----	1907, 1931
Buffalo, N. Y-----	1946
Cabinet officer-----	1919
Cambridge, Mass-----	1946
Carr, Francis P-----	1929, 1931
Catholic-----	1920
Central Intelligence Agency (CIA)-----	1944, 1945
Chief of Staff (Army)-----	1952
CIA (Central Intelligence Agency)-----	1944, 1945
Cohn, Roy M., testimony of-----	1906-1954
Cohn's European trip-----	1918
Coleman, Aaron-----	1937, 1938
Commander in Chief-----	1911, 1912
Communist conspiracy-----	1907
Communist Daily Worker-----	1919
Communist-dominated union-----	1939
Communist infiltration in CIA-----	1944
Communist infiltration in the executive branch-----	1919
Communist infiltration in the Government-----	1907
Communist infiltration of the U. N-----	1943
Communist Party-----	1906-1908, 1917-1921, 1926, 1928, 1929, 1934-1936, 1938-1941, 1943-1954
Communist Party (United States)-----	1907, 1943
Communist theoreticians-----	1908
Communists-----	1906-1908, 1917-1921, 1926, 1928, 1929, 1934-1936, 1938-1941, 1943-1954
Communists in the Air Force-----	1941
Communists in the Army-----	1941, 1951
Communists in defense plants-----	1926, 1934, 1952
Communists in Government-----	1907, 1948
Communists in the Navy-----	1941
Communists in private industry-----	1934

	Page
Congress of the United States.....	1908, 1912, 1919, 1921, 1927, 1938, 1941, 194
Congressional investigation (December 1952).....	194
Counselor to the Army.....	1909, 1925, 1927-1929, 1931-1933, 1951, 195
Crouch letter (March).....	194
Crouch memorandum.....	194
Daily Worker.....	191
"Dennis the Menace".....	194
Department of the Army.....	190.
1911-1915, 1926-1931, 1933, 1937, 1938, 1940-1942, 1951, 195	
Department of Defense.....	1929-1934, 1936, 1938-1942, 1946, 1949, 1951-195
Department of Justice.....	1918, 1920, 1943, 194
Department of State.....	194
Dirksen, Senator.....	190
Dunkirk, N. Y.	194
Eisenhower, President.....	1944, 194
Europe.....	1918, 195
European countries.....	194
European theater (World War II).....	191
Executive branch of the Government.....	1906, 1907, 191
Executive Order 10501 (December 15, 1953).....	191
FBI (Federal Bureau of Investigation).....	191
1920, 1922, 1937-1942, 1946-1949, 1951, 195	
FBI files.....	1937, 194
FBI report.....	1922, 195
Federal Bureau of Investigation (FBI).....	191
1920, 1922, 1937-1942, 1946-1949, 1951, 195	
Fifth amendment Communists.....	1934, 194
Fitchburg, Mass.....	194
Flanders, Senator.....	1919, 1920, 1942, 1953, 195
"Flanders Likens McCarthy to Hitler" (newspaper article).....	195
Fort Monmouth.....	195
G-2 (Army Intelligence).....	195
General Electric.....	1934, 195
General Motors.....	1934, 195
German High Commissioner.....	195
Germany.....	195
Government agencies.....	1908, 1917, 195
Government business.....	1939, 195
Government Printing Office.....	195
Government service.....	195
Government witnesses.....	195
Hensel, H. Struve.....	1941, 195
Hickenlooper, Senator.....	195
High Commissioner of Germany (Public Affairs Office).....	195
Hiss, Alger.....	1921, 1944, 195
Hiss case.....	1921, 1944, 195
Hitler.....	1918, 195
Hitler-Stalin pact.....	195
Hoover, J. Edgar.....	1912, 1942, 1946-1948, 195
House Committee on Un-American Activities.....	1920, 1921, 195
Indochina.....	195
International Telephone & Telegraph Co.....	195
Italy.....	195
Jackson, Senator.....	195
Jenner committee.....	1935, 195
Jewish.....	195
Juliana, Mr.....	195
Justice Department.....	1918, 1920, 1943, 195
Kaghan, Ted.....	195
Kaplan, Irving.....	195
Kennedy, Mr.....	1908-195
Knolls Atomic Laboratory (New York State).....	195
Knoxville, Tenn.....	1920, 195
Lawton, General.....	195
Legislative branch of the Government.....	1906, 195
Legislative Reorganization Act.....	195
Lenin.....	195
Library.....	195

	Page
Loyalty Board.....	1949, 1951
Lynn, Mass.....	1946
Maner, Charles.....	1903
McCarthy, Senator Joe.....	1906, 1910, 1911, 1913, 1917-1920, 1922-1925, 1929-1932, 1935, 1937, 1939, 1942-1947, 1949-1953
McClellan, Senator.....	1906, 1933
Merchants Club (New York City).....	1930, 1932
Mundt, Senator.....	1943
National Labor Relations Board (NLRB).....	1939
Navy (United States).....	1929-1932, 1938-1941
Navy intelligence.....	1938
New Bedford, Mass.....	1946
New York City.....	1921, 1923, 1931, 1932
New York State.....	1940
New York Times.....	1911
NLRB (National Labor Relations Board).....	1939
"One thousand Communists are in the Army" (Crouch memorandum, first paragraph).....	1941
Peress case.....	1934, 1936
Pittsfield, Mass.....	1946
Political Affairs (publication).....	1926
President of the United States.....	1907, 1911, 1912, 1919, 1928, 1942, 1944, 1945
Presidential directive.....	1942
Presidential statement (June 2).....	1919
President's staff.....	1945
Prewitt, Tom.....	1910
Protestant.....	1920
Public Affairs Office (High Commissioner of Germany).....	1918
Quincy, Mass.....	1946
Radar laboratory.....	1948
Radar work (secret).....	1937
Reber, General.....	1914
Remington case.....	1920, 1921
Reorganization Act.....	1919
Ridgway, General.....	1952
Rome, N. Y.....	1946
"Safeguarding Official Information in the Interest of the Defense of the United States" (Executive order, December 15, 1953).....	1912
Schenectady, N. Y.....	1946
Schine, G. David.....	1908-1910, 1913-1918, 1923-1926
Schine Hotel Co.....	1923
Schine memos.....	1908
Schine Theater interests.....	1923
Screening Board.....	1924
Second World War.....	1911
Secret radar work.....	1937
Secret Service.....	1920
Secretariat of the United Nations.....	1943
Secretary of the Army.....	1907, 1909, 1925, 1927-1932, 1937, 1951, 1952
Secretary of Defense.....	1935, 1936, 1939, 1940, 1951, 1953
Security Board (Government Printing Office).....	1949
Selective Service Act.....	1908
Selective Service System.....	1908
Senate Armed Services Committee.....	1952
Senate of the United States.....	1918, 1920, 1942, 1954
Silvermaster spy ring.....	1943
Smith Act.....	1908
South America.....	1924
Soviet communism.....	1953
Stalin.....	1908, 1918
State Department.....	1947
Statement by the President.....	1919
Stevens, Robert T.....	1907, 1909, 1925, 1927-1932, 1937, 1951, 1952
Syracuse, N. Y.....	1946
Telegraph agency of the Communist Party.....	1919
Tennessee Valley Authority (TVA).....	1920, 1921
Treasury Department.....	1947

	Page
Treasury official-----	1947
TVA (Tennessee Valley Authority)-----	1920, 1921
Un-American Activities Committee (House)-----	1920, 1921, 1943
United Electrical Union-----	1939
United Nations-----	1943
United States Air Force-----	1929-1933, 1937-1941, 1948
United States Air Force Intelligence-----	1938
United States Armed Forces-----	1912
United States Army-----	1908, 1911-1915, 1926-1931, 1933, 1937, 1938, 1940-1942, 1951, 1952
United States Assistant Secretary of Defense-----	1941
United States Attorney General-----	1907
United States Communist Party-----	1907
United States Congress-----	1908, 1912, 1919, 1921, 1927, 1938, 1941, 1942
United States Department of Defense-----	1929-1934, 1936, 1938-1942, 1946, 1949, 1951-1953
United States Department of Justice-----	1918, 1920, 1943, 1944
United States Department of State-----	1947
United States Navy-----	1929-1932, 1938-1941
United States Navy Intelligence-----	1938
United States President-----	1907, 1911, 1912, 1919, 1928, 1942, 1944, 1945
United States Secret Service-----	1920
United States Secretary of Defense-----	1935, 1936, 1939, 1940, 1951, 1953
United States Senate-----	1918, 1920, 1942, 1954
United States Treasury Department-----	1947
World War II-----	1911
Washington, D. C.-----	1935
White, Harry Dexter-----	1931, 1947
White House-----	1918, 1919, 1944
Wilson, Charles-----	1933-1936, 1938, 1939, 1948
Zwicker, General-----	1952





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SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR

HEARING

BEFORE THE

SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE

EIGHTY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

S. Res. 189

PART 50

JUNE 3, 1954

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CONTENTS

Appendix.....	Page
Index.....	1996
Testimony of—	I
Cohn, Roy M., chief counsel, Senate Permanent Subcommittee on	
Investigations.....	1956

EXHIBITS

	<i>Intro- duced on page</i>	<i>Appears on page</i>
32. Letter from H. Struve Hensel to Senator Karl E. Mundt, May 31, 1954.....	1963	1996
33. Letter from Senator Karl E. Mundt to Mr. H. Struve Hensel, June 2, 1954.....	1963	1997

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SPECIAL SENATE INVESTIGATION ON CHARGES AND
COUNTERCHARGES INVOLVING: SECRETARY OF THE
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

THURSDAY, JUNE 3, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:30 a. m., pursuant to recess, in the caucus room of the Senate Office Building, Senator Karl E. Mundt, chairman, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will come to order.

At the beginning of the session this morning, the Chair would like to again welcome the guests who have come to our committee room. We are glad to have you here. We want you to know now of our committee rules for these hearings, if you have not already been apprised of them. The committee has ordered that there be no manifestations audibly of approval or disapproval of any kind at any time during these hearings. The uniformed officers before you and the plainclothes men scattered among you have a standing order from the committee to remove from the committee room immediately, politely but firmly, anybody who, for reasons best known to himself, elects to violate the terms under which you entered the committee room, namely, to completely refrain from audible manifestations of approval or disapproval. Our audiences have been virtually 100 percent courteous and cooperative, and we expect and hope that that will continue.

Many have asked about the executive committee meeting which we had this morning. One motion was made and carried, to the effect that the transcript of the executive committee meeting of May 17 is to be typed and a copy delivered to each of the members of the committee and each of the principals and their counsel, and of the meeting today, which virtually means the people who were in attendance at the meeting of May 17.

The Chair has asked the reporter, in view of the action of the committee, to write across the top of those hearings, which are for distribution to the people mentioned, "Confidential—executive committee session—not for attribution or publication." Those who receive it will receive it with that understanding.

We had just concluded yesterday going around another wheel of questions, and Mr. Welch had concluded a 10-minute period. So, Mr. Jenkins, we will start with you if you have any further questions at this time.

FURTHER TESTIMONY OF ROY M. COHN

Mr. JENKINS. Mr. Cohn, you have heretofore been asked to prepare, to bring to this room and file with the committee, all documents, data, memoranda, papers, prepared by G. David Schine, subsequent to his induction in the Army on November 3. Are you prepared to now do so, Mr. Cohn?

Mr. COHN. I thought you had been advised, Mr. Jenkins. Last night there was a meeting attended by Senator McCarthy, Senator McClellan, Mr. Kennedy, the minority counsel, Mr. Tom Prewitt, your assistant, and myself, at which we spent some time going over various of the material prepared by Dave Schine and called for by your direction to produce back on Thursday or Friday.

The old question as to confidential informants and Government employees who had furnished information came up. And at that time it was decided that Mr. Schine would come over to the building this morning and go over these files himself, and give us the benefit of his recollection and belief insofar as the status of various people who had furnished information might be concerned.

I understand Mr. Schine is here and is at this very time going over various of these files and papers in accordance with the decision reached at the meeting last night.

Mr. JENKINS. Then some progress is being made along that line as we understand it.

Mr. COHN. Yes, sir.

Mr. JENKINS. When, Mr. Cohn—the members of the committee are anxious to have that information, and I am sure you know precisely what it is. It is documentary evidence of work done by Mr. Schine subsequent to his induction in the Army. Do you think that that information will be available to this committee during this day?

Mr. COHN. I don't know, Mr. Jenkins. It will be available just as soon as everybody can agree what should and should not go in.

I have already testified, Mr. Jenkins, I believe that as far as documentary work is concerned, the bulk of it was the three interim reports and certain sections of the annual report which I have already furnished to Mr. Welch.

In addition to that, although we did not keep drafts, there are some notes, some in Mr. Schine's writing, which are definitely available to Mr. Welch, to the committee and to everybody, and those will be among the cleared material.

There is also, sir, a witness list prepared by Mr. Schine when he was down at Dix containing the names of witnesses and in some cases telephone numbers and addresses and information. On that list there are the names of people who are confidential informants of this committee. I think everybody has agreed that those names and phone numbers and addresses and information should not be made public, but a good deal of progress has been made and I think everybody working on it is working as expeditiously as is humanly possible considering the fact that we are all up here testifying and otherwise occupied during the day, sir.

Mr. JENKINS. Did you work on it last night, Mr. Cohn?

Mr. COHN. Yes, sir.

Mr. JENKINS. Mr. Prewitt of my staff worked with you?

Mr. COHN. Yes, he did.

Mr. JENKINS. You say Senator McCarthy and Senator McClellan were likewise there?

Mr. COHN. They were.

Mr. JENKINS. And Mr. Kennedy?

Mr. COHN. Yes, he was.

Mr. JENKINS. Now, Mr. Cohn, I am sure that we understand your position. You have heretofore stated on more than one occasion that a part of the work that was done by Schine subsequent to his induction in the Army on November 3 is reflected by documents. A part of it is not reflected by documents. That is correct; isn't it?

Mr. COHN. Yes; that is right.

Mr. JENKINS. What we want is that part of his work which he did after he was inducted in the Army, which is reflected by documents.

Mr. COHN. I understand that perfectly.

Mr. JENKINS. Have we pinpointed that?

Mr. COHN. Sure.

Mr. JENKINS. Just as quickly and as expeditiously as you can do so in conjunction with the assistance rendered you by members of your staff, that information will be forthcoming, brought here to this room and presented to this committee? Is that correct?

Mr. COHN. Yes, sir.

Mr. Jenkins, do I understand I am being relieved of the direction to produce the material prepared by Mr. Schine when he was with the committee and between July and the time of his induction into the Army?

Mr. JENKINS. The principal interest of the committee, as I understand it, is in work that was done by Mr. Schine during these periods of leaves of absence both weekdays, holidays, weekends—in short, all work that was done by Schine subsequent to his induction in the Army. That is the principal point of interest as I understand it.

Mr. COHN. Am I to forget about the work which he did while he was with the committee and during that July to November period before he went in—

Mr. JENKINS. As far as I am personally concerned, Mr. Cohn, I am not asking for that.

Senator MUNDT. May the Chair inquire of Counsel Welch and the other members of the committee whether we are asking for that, because it will certainly expedite the receipt of this material. The question is whether or not, Mr. Welch, Mr. Cohn is to be relieved of the order of the committee asking him to bring in all documentary evidence of all the work that Mr. Schine did while serving as a member of the staff of the committee, or whether it is adequate if he brings in the documentation of the work that he did after his induction into the Army?

Mr. WELCH. I should say, Mr. Chairman, there are two classes. The first class is the documents supporting what I would call the work product of Private Schine after his induction and while at Fort Dix. Then there is a second work product of his, almost equally interesting, which covers the period after which it was known to Mr. Cohn and to Mr. Schine that he would be inducted. That is to say, I take it, that is from about July 1 until his induction. That is of course, a critical period, and I am interested to see his work product for that time. Except for that—

Senator MUNDT. Except for those two, then, you don't care for anything else?

Mr. WELCH. Those I would like separately so you could see one pile and look at that, and another pile and look at that.

Senator MUNDT. Very well.

Do any of the committee members want anything else, or would it be adequate if Mr. Cohn brings in those two different groupings of material? Senator McClellan?

Senator McCLELLAN. Mr. Chairman?

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. I may say this, I was down there. The only interest I have is that I am going to continue to insist that I see anything in the files of this committee that I want to see. As to what Mr. Schine did or didn't do, what work he produced, I don't know. But certainly Mr. Cohn does. And as I understand it, the request is for him to produce it so this committee can see it. Whatever he says he does and brings in here and swears to that he did it, that is competent evidence and that is what I want.

Senator MUNDT. That is right. What we are trying to determine is whether or not we want 3 groupings or 2. The third grouping would be all of the work that Private Schine or G. David Schine had done as a member of the staff of the committee. Mr. Welch says that for his purpose he is content to get one grouping, the work document that he did between July 1 and November 3, I believe it is, and the work done between November 3 and up to the present time. Does any other committee member want anything else?

Senator JACKON. Mr. Chairman, it would seem to me in order to get the complete picture, inasmuch as he was on the committee staff from when, January or February 1?

Mr. COHN. Yes, sir.

Senator JACKSON. I see no reason why we should not have it for all three periods. I say that because they are tied in together. I believe there is testimony in the record that he worked on the Voice of America, the information program reports that go way back to January. We are going to find ourselves requesting all three areas. I mean material from all three groupings, and I would like to suggest

that the entire period be covered. It is not long. It is only from February through the period at Dix.

Senator McCLELLAN. Mr. Chairman, I have no objection to that, but the only thing that is actually pertinent to this hearing is what work he did after he got into the Army. Now, that is pertinent. That will determine—it will give some indication whether he was actually on committee business or whether he is on some other business. That is what I am vitally concerned in, and that only. What he did for the committee in the past is immaterial, as I see it, to the final conclusion that this committee must reach.

Senator MUNDT. The Chair agrees with the Senator from Arkansas, but he is trying to provide the information that the various members of the committee or the counsel might want.

I was in hopes that if we could group it into three groupings we could go through the files and get it here more quickly. But if the Senator wants all of the material from the very day that Schine joined the committee up until July 1 as a separate grouping, it might require a little more time but certainly the Chair has no disposition to keep out of the record anything that any member of the committee wants in that connection.

Mr. COHN. We will supply it all, Senator Mundt.

Senator MUNDT. Very well. We will have three groupings, then, as I understand it.

Mr. COHN. Yes, sir.

Senator SYMINGTON. Mr. Chairman, a parliamentary inquiry. Where do we stand on the monitored telephone calls this morning?

Senator MUNDT. We stand on the place that we had hoped to get to them during the executive session this morning, but as the Senator from Missouri realizes they were not mentioned at any time due to the fact that we had other motions before us to dispose of.

Senator SYMINGTON. What is the plan to dispose of them at this time?

Senator MUNDT. The plan is to have another executive committee meeting to go into that material.

Senator SYMINGTON. Mr. Chairman, I would like to respectfully say that it seems to me—

Senator MUNDT. You will recall we have 1, 2, 3 proceedings on which we are in the process of implementation.

Senator SYMINGTON. May I proceed, Mr. Chairman?

For some 5 weeks we have had some hearings at which these monitored conversations might well have had something to do with and expedite the finding of the basic charges, which at times it seems to me we get far afield from. At least twice people have mentioned my monitored calls in the hearings, and I think that in order to be fair to all people, the monitored calls should be released and released promptly. Otherwise, I do not think, if I may very respectfully say to the Chair, that this situation is being handled properly. If you notice, we spend now, whether it is monitored calls or Schine memoranda or whatever it is, we now spend a large part of these hearings, which the chairman is so anxious to expedite and which I agree should be done, we spend a very large part of these hearings in trying to get for committee members, information of the committee.

Senator MUNDT. Mr. Jenkins?

Mr. JENKINS. Mr. Cohn, I want to discuss two subjects with you now.

Mr. COHN. Surely.

Mr. JENKINS. No. 1, I would like for you to deliver to me today a letter setting forth the terms and the conditions under which you and Senator McCarthy agree that these monitored telephone calls may be produced as evidence.

Mr. COHN. In addition to the memorandum I gave you yesterday, Mr. Jenkins?

Mr. JENKINS. That is correct, in addition to the one yesterday, because as I understood it yesterday, in a conference between you and a member of my staff, it was decided by you that that letter was not complete, and that you desired to elaborate upon it, and to expand upon it, and to set forth specifically the terms and conditions under which it would be agreeable to your side of this controversy for the monitored telephone calls to be introduced as evidence. If I am in error about that, it is immaterial.

I now ask you to give me such a definite letter today. Will you do that?

Mr. COHN. Surely, sir, and our position is the same as it always has been. We will consent to all of the calls going in.

Mr. JENKINS. Do you want now, Mr. Cohn, to state publicly what your position is with reference to the monitored telephone calls, because I as well as all the members of the committee are receiving numerous inquiries from the members of the press with respect to that subject?

Mr. COHN. Surely, sir. As I stated in the memorandum, Mr. Jenkins, I did two things. No. 1, I listed some monitored phone calls which had never been supplied by Mr. Stevens and Mr. Adams to this committee which I believe exist.

Mr. JENKINS. And I believe you listed the dates of those calls in your letter?

Mr. COHN. I listed the dates, where I could recall the specific dates. I listed a number of them. I gave you specific dates and names of people between whom the conversations took place.

No. 2, sir, my position is, just as Senator McCarthy stated it, and other members of the committee, the very first day, if all the calls would be made available, if they are accurate, they should all go in. I would be very glad to give you a letter, sir, in the course of the day, embodying that.

Mr. JENKINS. And will that letter designate now particularly the calls to which you have reference?

Mr. COHN. Yes, sir.

Mr. JENKINS. Whether it is conceived by the committee they come under the Presidential ban or whether they do not, in order that we may pinpoint the matter and know precisely the terms and conditions under which it will be agreeable for those calls to be produced as evidence here?

Mr. COHN. Yes, sir. It will be very simple and we will give you the letter.

Mr. JENKINS. That will be forthcoming today?

Mr. COHN. Yes, sir.

Mr. JENKINS. One other statement, and which is perhaps not a question.

Mr. COHN. Surely.

Mr. JENKINS. It is done for the purpose of clarification and pinpointing this particular area of inquiry.

Mr. COHN. Surely, sir.

Mr. JENKINS. You are now requested, Mr. Cohn, by the committee with respect to these documents, data, memoranda, written evidence of work done by Schine, to furnish that information to us in three classifications, each separated from the other.

No. 1, the work done as reflected by documents, and we understand that it is your position that not all of his work is reflected by documentary evidence—

Mr. COHN. Not all of the work of anyone on the committee, sir.

Mr. JENKINS. Well, that is probably true. It certainly is as far as my work is concerned.

Mr. COHN. Yes, sir.

Mr. JENKINS. No. 1, all of the work done by Mr. Schine as reflected by anything on paper—

Mr. COHN. Yes, sir.

Mr. JENKINS. From the time he came with the McCarthy committee until approximately the 1st of July, when it was known that he would become an inductee in the Army.

Mr. COHN. Yes, sir.

Mr. JENKINS. No. 2, the same character of evidence reflecting the work done by Schine from the 1st of July, or approximately that date, to November 3.

Mr. COHN. Yes, sir.

Mr. JENKINS. No. 3, the same character of evidence reflecting the work done by him subsequent to November 3.

Mr. COHN. Yes, sir.

Mr. JENKINS. And you are now working on that?

Mr. COHN. We are, sir. We did last night.

Mr. JENKINS. You have members of your staff working on it?

Mr. COHN. We did last night and we are working on it now.

Mr. JENKINS. And when that is ready, you will notify me or the members of this committee?

Mr. COHN. Yes, sir.

Mr. JENKINS. That is all I care to ask.

Mr. WELCH. Mr. Chairman.

Senator MUNDT. Senator McClellan?

Mr. JENKINS. I am through, Senator, as a matter of fact.

Senator McCLELLAN. So it won't be taken out of the time of each member of the committee, I would like for you to ascertain from Mr. Cohn what his position will be, whether he will object to the members of the committee who have monitored calls, to placing them in the record under oath. Let's be frank about it. I am going to insist that mine go in the record.

Mr. COHN. Will I object, sir?

Senator McCLELLAN. Yes.

Mr. COHN. Of course not.

Senator McCLELLAN. If there is no objection, all right. They will go in.

Mr. JENKINS. And if any other member of the committee insists upon his telephone calls which were monitored becoming public evidence, you will not object to that, Mr. Cohn?

Mr. COHN. It is not my right or province to object to it, sir, and I certainly would not.

Mr. JENKINS. Regardless of whether an agreement is reached with respect to this other classification of calls or not; is that right?

Mr. COHN. It is none of my business, and I certainly will not object, sir; of course not.

Senator MUNDT. Mr. Welch, I think, requested the floor.

Senator McCARTHY. I wonder if Mr. Welch would yield to me?

Mr. WELCH. I would be happy to.

Senator McCARTHY. I have a very important point of order here.

Mr. Chairman, there have been very well-founded charges made against the Chair of this committee as to what he was smoking, the implication being that it might have been South Dakota straw. Some of the television audience, apparently not realizing it is the Chair's birthday, one from Florida and one from Wisconsin, have sent the Chair what they consider smoking material made of tobacco. I would like now to present this to the Chair.

Senator MUNDT. That is one point of order I will not endeavor to overrule.

Mr. Welch?

Mr. WELCH. Mr. Chairman, I believe that was the first time, and it probably will be the last time, that a guy named Joe Welch ever yielded to a Senator. It couldn't have been a happier occasion to do it, sir.

Senator MUNDT. Thank you, sir.

Mr. WELCH. The other thing I wish to say is somewhat more serious. It has to do with the monitored telephone calls.

I take it, Mr. Jenkins—I think it should be made clear in the record—that Secretary Stevens and Mr. Adams have signed and filed all appropriate consents.

Mr. JENKINS. That is entirely correct, Mr. Welch.

Mr. COHN. Sir——

Mr. JENKINS. The consents have been filed with the chairman.

Senator MUNDT. Have you concluded now, Mr. Jenkins?

Mr. JENKINS. That is all I have.

Senator MUNDT. The Chair has the next 10 minutes.

Senator McCARTHY. May I ask Mr. Jenkins a question in connection with that?

Mr. Jenkins, does that include the very important calls between General Lawton and Mr. Adams, Lawton and Stevens, Stevens and Adams?

Mr. JENKINS. In order that there could not possibly be any misunderstanding about it, Senator McCarthy, I would like to ask that question of Mr. Welch.

Mr. Welch, would you mind answering that question?

Mr. WELCH. At this stage, we have filed consents making all telephone calls otherwise admissible——

Mr. JENKINS. I don't hear you, Mr. Welch.

Mr. WELCH. The Secretary and Mr. Adams have filed appropriate consents giving their complete consent to the admission in evidence

of any and all telephone calls that may properly be received in evidence.

Mr. JENKINS. The Senator's inquiry is whether or not they include calls between Mr. Stevens and General Lawton, for instance. Do they or not, Mr. Welch?

Mr. WELCH. I will put it this way: The assents certainly are all-inclusive. If there are any telephone calls that can't go in, that is not because of any limitations that Mr. Stevens and Mr. Adams put on their assent, but it is because of limitations in the Presidential order.

Senator McCARTHY. Could you answer this simple question: Have you now given to Mr. Jenkins those very important calls between Mr. Lawton and Adams and Stevens?

Senator MUNDT. The question is, Mr. Welch, Have the calls been delivered to the committee?

Mr. WELCH. In the first place, we have never yet received an assent from the Senator and Mr. Cohn covering this precise situation. I think that is perhaps the answer on that one.

Senator MUNDT. No. The question was, Have the specific calls been delivered by Counsel Welch, to the committee; not whether they are going to go in. Nobody knows the answer to that yet. Have the calls been delivered?

Senator McCARTHY. You have not only received an assent, but you have received my repeated requests that you deliver those calls.

Mr. WELCH. In those instances where they were telephone calls obviously involving national security or obviously falling within President Eisenhower's order, those have not been submitted.

Senator McCARTHY. Just one simple question, and I know you are not under oath and you can refuse to answer it if you want to. There were very important calls between Lawton and Stevens and Adams, when they were trying to break him because of helping the committee. I would like to know whether they have been delivered to Mr. Jenkins or not. If they have not, you can tell us.

Mr. WELCH. The answer, Mr. Chairman, is in the negative, because Mr. Jenkins and I both understand those to fall within the Presidential directive.

Senator McCARTHY. That is all I want to know.

Senator MUNDT. We are very late in starting this morning. The Chair thinks he will pass his 10 minutes and get on with the interrogatories, but would like to submit as part of the printed hearing the letter he received from Mr. Struve Hensel under date of May 31, and my reply dated June 2, both of which were read at the executive committee meeting this morning, but he thinks they should be part of the public hearings; so without objection they will be marked as exhibits and marked accordingly.

(The letters referred to were marked "Exhibit Nos. 32 and 33" and will be found in the appendix on pp. 1996 and 1997.)

Senator MUNDT. The Chair would like to ask one question following up what he was asking Mr. Cohn yesterday.

Mr. Cohn, I asked you some questions about your financial relationships, if any, as a law firm and a member of a law firm, with any of the Schine interests or with G. David Schine, and you went into some detail answering those in the negative.

Mr. COHN. Yes, sir.

Senator MUNDT. I should have asked you one followup question but time did not permit. Has any member of your family, not connected with your law firm, any member of your family, had any financial transactions with any of the Schine interests?

Mr. COHN. No, sir.

Senator MUNDT. You are sure of that?

Mr. COHN. Yes, sir.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. Mr. Cohn, if you will refer again to your document of charges, I believe yesterday we had concluded with No. 6. I point out No. 7 at this time, and I shall not read it, but it refers to Mr. Struve Hensel. I shall not read it and comment upon it, because Mr. Hensel, by a majority vote of this committee and over my protest, has been dismissed as a principal from these proceedings.

Mr. Chairman, I wish to make some comment about the letter which you have just placed in the record.

Senator MUNDT. You may do so. It is your time.

Senator McCLELLAN. I protested vigorously against the action of the committee at the time we dismissed Mr. Hensel as one of the principals to this proceeding. His counsel, however, was present, and insisted that the committee take the action that it did—insisting, as I understood him, that a vote of 4 to 3 by this committee would be accepted by Mr. Hensel as complete vindication if the charges were dismissed under those circumstances.

I want to say, Mr. Chairman, the fact that Mr. Hensel now comes back here and asks some further consideration of this committee doesn't come with very good grace to me. He accepted that action. His counsel insisted upon it. I thought it was unfair to him at the time. I tried to prevent it. I am not making this statement to definitely preclude any further consideration of Mr. Hensel's request; but because of that action, Mr. Chairman, that was taken and because Mr. Hensel consented to it, not only consented, but, through his attorney, urged that it be done, I now shall not question the witnesses, this witness or any others, regarding Mr. Hensel's conduct and the charges against him. What he accepted as complete vindication is not complete vindication to me, but these charges, if they are a stigma upon him, will have to remain so because of his action and the action of his counsel, and not because this Senator consented to it or acquiesced in it.

Senator MUNDT. Would the Senator yield?

Senator McCARTHY. Mr. Chairman, would the gentleman yield to me?

Senator McCLELLAN. This is not out of my time, Mr. Chairman.

Senator MUNDT. Out of your time. The Chair, because he did not read the long exchange of correspondence, would like to state that in his letter to Mr. Hensel he said he could well sympathize with his desire to have the record clear concerning the charges about his World War II financial activities and respectfully suggested to him that since this committee had decided that they were irrelevant to the issues at hand and we have much relevant work to do, that Mr. Hensel might desire to ask the House Committee on Government Operations or the Senate Armed Services Committee to hear that particular phase of the case, which has nothing to do with the instant hearings.

He can avail himself, if he desires to, of a different Government forum to clarify the air, as far as those charges are concerned.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. I yield, just so it is not out of my time.

Senator McCARTHY. I would like to have it clear what my position is. In the Hensel case, Mr. Jenkins, and I think rightly so, advised the Chair that while the Hensel matter could be brought in from the standpoint of motive, it could be shown that we were investigating him, whether or not he knew the investigation was going on, but that in this particular forum we should not try out all the issues in the Hensel case.

I agreed with Mr. Jenkins in that, and the Chair did. I then felt that because of that and the Presidential order which prevents Mr. Hensel from telling anything about what he had to do with other individuals in the executive, that we could not get to the truth of that particular matter.

However, I think that some of the Senators have made a good point here, and that is that the Hensel matter should not be left hanging in the air.

The charges have to do not merely with World War II activities but activities last year in Europe.

Mr. Hensel at the present time I believe is to all intents and purposes in charge—maybe not technically so, but actually in charge of contracts being let over in Europe where the profits run rather high. That is a matter that is being investigated.

I think Senator Symington has made the point very well that this should not be left hanging in midair. Obviously Mr. Hensel would not be satisfied to have me sit as chairman of a committee investigating those charges, and rightly so. I think that we should either refer that case to another committee or the alternative would be to find a completely impartial individual on our committee and assign him the unpleasant task of handling this investigation. As I said, this morning, what I intended to do—I have in mind one individual who certainly is completely impartial in this matter—what I have in mind doing is calling a meeting of the committee at the earliest moment, that is, the regular investigating committee, and asking the permission of the committee to assign Senator Symington the job of being a one-man committee to thoroughly investigate these charges. I am sure we will get a fair investigation. I know it will be an unpleasant duty, but as a member of this committee I am sure he will not shirk that task if it is assigned to him.

Senator MUNDT. Senator McClellan?

Senator SYMINGTON. Mr. Chairman?

Senator McCLELLAN. If it is not out of my time.

Senator SYMINGTON. As much as I appreciate the Senator's confidence in me to handle the investigation of Mr. Hensel in an impartial manner, and I do appreciate it, nevertheless, I feel for two reasons that it would be wrong. The first is that Mr. Hensel works in the administration, and I am a member of the minority party. The second is that I think that in a matter of this seriousness, no one man should be a judge. I would like to take this opportunity, inasmuch as I believe one of the greatest dangers to America is character assassination, to emphasize that I have nothing in the world against Mr.

Hensel, and that I know nothing whatever that he has ever done wrong. Under all the circumstances, however, I do not believe it would be right for one member of the minority party to investigate these serious charges.

Senator McCARTHY. Mr. Chairman——

Senator MUNDT. Senator McClellan. The Chair suggests that if there is any more yielding, it will have to come out of the Senator's time.

Senator McCLELLAN. There will be no more yielding.

Senator MUNDT. Furthermore, Mr. Hensel has been dismissed as a principal in the case, and there will be no more questions concerning him, because they would be irrelevant. But the Chair did feel that Senator McClellan should appropriately state his position as he did at the executive committee meeting this morning.

Senator McCLELLAN. Mr. Chairman, I am doing that, because I am going through the charges and I did not want to pass over some without an explanation of why. For the same reason, I pass over the charges in your paragraph numbered 8 and also numbered 9. I do not interrogate you about those because they refer directly to Mr. Hensel.

Mr. COHN. Yes, sir.

Senator McCLELLAN. I would like to ask you about paragraph 10. I read the first sentence in it:

The attempt by these Pentagon politicians to peg their attack on the subcommittee's exposure of the subcommittee's activities on the drafting and treatment of Private Schine is petty and unfounded.

Is that true or untrue?

Mr. COHN. That is true, sir.

Senator McCLELLAN. Name the Pentagon politicians. Identify them for the country, will you please, and for this committee.

Mr. COHN. Yes, sir, I believe it is clear that Senator McCarthy who signed this letter for himself and on behalf of myself and Frank Carr, was referring certainly to Mr. Stevens and Mr. Adams.

Senator McCLELLAN. Just those two?

Mr. COHN. You will have to ask Senator McCarthy what else he has in mind.

Senator McCLELLAN. I will ask him when he takes the stand. As to you, whom did you name as Pentagon politicians?

Mr. COHN. I would name particularly Mr. Stevens and Mr. Adams, sir.

Senator McCLELLAN. No one else?

Mr. COHN. I would not have in mind any specific names. I think there were probably some people over there, sir, who were not displeased of an attack upon this committee.

Senator McCLELLAN. Maybe that is a title of some honor, I don't know, and a distinction. I want to know who they are.

Mr. COHN. I would name Mr. Stevens and Mr. Adams to my personal knowledge.

Senator McCLELLAN. I call your attention to No. 11 in which you state:

No improper means of any kind have been used to obtain preferential treatment for Private Schine. All applications and discussions concerning his tour of duty with the Army have been open and proper.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Do you state that is true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Then are you willing for any monitored calls that you may have made with respect to him be admitted in evidence in this case so that we can check and see just whether it was open or whether it was secret?

Mr. COHN. Sir, I am willing, as I said the first day, to have all monitored calls go into the record in these proceedings.

Senator McCLELLAN. I understand, but on this point particularly you would object to them going in unless you could get other monitored calls?

Mr. COHN. Senator McClellan, I am sure you want to be fair about this, sir.

Senator McCLELLAN. I am. I am letting you be fair with yourself. I am giving you a chance to answer.

Mr. COHN. The fair thing, then, would be to put in all the calls and give the whole picture and not permit a selection which give a part of the picture and leave out a few.

Senator McCLELLAN. You understand that this Senator does not object to all of them going in, don't you?

Mr. COHN. I understand your position to be that you want them all in, and that is mine.

Senator McCLELLAN. And my position is this, I want to get as much of the truth, if we cannot get all of it, as much as possible.

Mr. COHN. As far as I am concerned, I don't want it to be distorted.

Senator McCLELLAN. Is there anything here, if there is nothing seeking preferential treatment, why would you object to it going in, because it would corroborate what you say.

Mr. COHN. That is right, and we would like all of them to go in.

Senator McCLELLAN. But if you can't get all, and you can get one that would corroborate what you have said, why not agree to it?

Mr. COHN. For this reason: You have said, and I agree with what you said, on many occasions, that you want this hearing to be fair and conducted in a fair way. To me it is not fair to let one side of a controversy select out of a bunch of calls a few calls or a number of calls which they think are going to help their side and to exclude other calls which they think might damage them, sir. And I think if you ask me, sir, if you ask me to consent to a selection by Mr. Stevens and Mr. Adams of what calls they want in, and to give them the option of concealing, even from Mr. Jenkins, and the committee, other calls which we know exist and would shed light on this whole issue, I think you are being very unfair, sir.

Senator McCLELLAN. I don't agree with you that I am unfair at all. I am going to ask you this, then, if the call would help you, if the monitored notes of this call or any call with respect to Mr. Schine would help corroborate and substantiate your own statement here under oath, how in the world do you think that would be unfair to you. Tell me.

Mr. COHN. I think it would be unfair to have a selection, sir.

Senator McCLELLAN. Well, if the selection is made of those that corroborate you and sustain you, how would that be unfair to you?

Mr. COHN. I will tell you how it would be unfair. There might be

one call about one thing, there might be another call about something else. One call might refer to a previous call. If we get the one and don't get the previous call, you will have one-half of the picture and something in there might be taken out of context, sir, particularly in view of the fact, Senator McClellan, Mr. Stevens was monitoring the calls, we did not know he was monitoring them.

In addition to that, sir, he is now seeking to make a selection of which calls can come in and go out.

Senator McCLELLAN. Do you think Mr. Stevens is actually seeking to make the selection?

Mr. COHN. Yes, sir. I do, sir.

Senator McCLELLAN. Don't you know they will be produced insofar as they can under Executive directive?

Mr. COHN. I believe, sir—

Senator McCLELLAN. Don't you believe that?

Mr. COHN. No, sir; I do not.

Senator McCLELLAN. You don't believe that?

Mr. COHN. No, sir; I don't. May I tell you why?

Senator McCLELLAN. Yes, because I want to know.

Mr. COHN. Because long before there was any Executive directive in existence, we requested certain calls be turned over to Mr. Jenkins and Mr. Horowitz. There was at least a 2-week lapse when there was no Executive directive and those calls were never turned over during that period of time.

Senator McCLELLAN. Do you mean an Executive directive has been issued since these proceedings started—

Mr. COHN. Yes, sir.

Senator McCLELLAN (continuing). That prevents those calls from coming in?

Mr. COHN. I understand that to be the position being asserted by Mr. Welch here, sir.

Senator McCLELLAN. I did not so understand. I understood it was a general directive that has been issued heretofore. If there has been a special directive, I would like to get it.

Mr. COHN. It was the May 17 directive issued by the President.

Senator McCLELLAN. Has that been entered into the record? I am not necessarily disagreeing with you. I would want them all, too, and I do. And I hope we can get them all.

But the point I am making here is one that would corroborate what you are saying. It seems to me you would not object to helping yourself.

Mr. COHN. No, sir; I don't object to helping myself. But I do object to a distorted picture going into the record.

Senator McCLELLAN. Now let's go to No. 12, and I quote from it:

Mr. Carr's participation in this matter was to express irritation and disgust at the constant attempts on the part of the Pentagon civilians to trade off treatment for Private Schine against the halting of subcommittee exposure of the mishandling of Communist infiltration in the military.

Did Mr. Carr express such irritation or manifest it?

Mr. COHN. Yes, sir.

Senator McCLELLAN. He did?

Mr. COHN. Yes, sir.

Senator McCLELLAN. On how many occasions?

Mr. COHN. A number of occasions.

Senator McCLELLAN. A number of occasions?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Then don't you agree with me that he is an important witness to this proceeding?

Mr. COHN. Surely, sir, and I am sure that Mr. Carr is not only willing but anxious to come in there and testify.

Senator McCLELLAN. He could corroborate that statement, couldn't he?

Mr. COHN. Yes, sir.

Senator McCLELLAN. He could sustain it as a charge against the Army or against Mr. Adams and Secretary Stevens?

Mr. COHN. I think, sir—

Senator McCLELLAN. In his testimony, if he is called as a witness, he can substantiate it, he can testify to that personally?

Mr. COHN. Yes, sir.

Senator McCLELLAN. That it became so bad that it irritated him as staff director of this committee?

Mr. COHN. Sir, I think there is a lot that Mr. Carr is going to say that is going to be repetition for the third or fourth time, of things which Senator McCarthy and I have said.

Senator McCLELLAN. Oh, well, all corroboration is in a measure repetition, is it not? You know that as a lawyer, don't you?

Mr. COHN. You are absolutely right, sir.

Senator McCLELLAN. So it would not hurt the case to have Mr. Carr testify and corroborate these charges, would it?

Mr. COHN. Mr. Carr will tell the truth, and that will help our case.

Senator McCLELLAN. I did not say he would not tell the truth. I said it would help to get the whole facts.

Mr. COHN. I said, sir, since he will tell truth, it will help our case.

Senator MUNDT. The Senator's time has expired.

Senator DIRKSEN?

Senator DIRKSEN. Mr. Chairman, let me first make a parliamentary inquiry, and I address it in part to the chairman, to Mr. Welch, and to Mr. Jenkins.

My understanding is now that Secretary Stevens has assented to the inclusion of the telephone calls between himself and members of the committee; is that correct?

Senator MUNDT. Mr. Welch, I presume that is directed to you.

Mr. WELCH. The answer is "Yes."

Mr. JENKINS. I agree with Mr. Welch, the answer is "Yes."

Senator DIRKSEN. Mr. Chairman, would there be any objection to a party in interest reading his own telephone calls into the record?

Senator MUNDT. Mr. Welch, I believe, raised the legal point the very first day that this matter came up, about some part of the Federal Communications Act which requires consent of people at both ends of the telephone line before you can divulge the contents publicly. I am not sure if I remember that Mr. Welch raised that point, and at that time suggested this business of getting consent.

Mr. Welch is a distinguished Boston lawyer, and he can answer whether that is correct or not.

Mr. WELCH. I think Mr. Jenkins and I would both—I don't remember that I was the one to raise it, but it certainly was raised, and it is a problem, as Mr. Jenkins and I have long realized.

Senator MUNDT. The record will show you raised it in the first instance before we called Mr. Lucas, because we were all trying at that time to find a way to put them in.

Mr. Jenkins corroborated what you said as being correct.

Mr. Jenkins?

Mr. JENKINS. In order to clarify that matter and answering Senator Dirksen, Mr. Welch and I agree that before a telephone call which is monitored may be put in evidence, that is, the monitoring of the telephone call, that the consent of the parties must be had. It is my understanding that Senator Dirksen desires now to read into the record certain telephone calls, monitored telephone calls between himself and the Secretary of the Army. It is further my understanding that the Secretary of the Army has consented thereto.

Senator Dirksen, by the very reading of these telephone calls, consents thereto.

Mr. Chairman, it is my opinion that it is perfectly proper and violates no law whatever for Senator Dirksen at this time to read into the record the monitored telephone calls between himself and the Secretary of the Army if he desires to do so.

Senator McCLELLAN. A point of order, Mr. Chairman.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. I have no objection to his reading it, but I call to the attention of the committee that it will not be sworn testimony if it is just read by the Senator himself. So what I have been trying to do is to get—what is this fellow's name—Mr. Lucas—up here and let him swear that these are the monitored calls, and when he does, I am going to place mine in the record, but I want mine in under oath.

Senator POTTER. A point of order.

Senator McCLELLAN. This would not be under oath.

Senator MUNDT. Senator Potter?

Senator POTTER. As I recall the motion when we agreed to enter the monitored telephone calls as public evidence, they were to go in in chronological order. I have no objection to mine going in. As a matter of fact, I will insist that mine be made a part of the public record. But it is my understanding that they are to go in in chronological order so the true picture of this controversy from the monitored telephone calls could be determined. Am I correct in that?

Senator MUNDT. May the Chair say that what Senator Potter says is correct so far as the McClellan motion is concerned and as far as the overall introduction of the monitored calls is concerned. But the Chair believes that if Senator Dirksen wants to read his own monitored telephone conversations into the record, they having been assented to by Secretary Stevens, that Senator Dirksen certainly has that right; and that if and when Mr. Lucas is called—and he is expected to be called—and he then verifies that this is a true transcript, it will have the same effect as sworn testimony, Senator McClellan.

Senator McCLELLAN. Yes.

Senator MUNDT. May the Chair say he expects to read his own monitored telephone calls into the record and will insist that they go in sooner or later under whatever circumstances prevail, and if no other prevails he will follow the same course as that followed by Senator Dirksen. Mr. Welch addressed the Chair, I think.

Mr. WELCH. I do think we ought all to be reminded of the fact that at the very earliest stages of the trial when we had Mr. Lucas on the stand, both Secretary Stevens and Mr. Adams publicly assented to the introduction of the monitored telephone calls. I think everybody ought to be reminded of that fact. I will say that as a trial lawyer I had supposed that we would admit the one that was then under consideration, to wit, between Secretary Stevens and the Senator, and we then ran into the block which has held us up ever since, that the Senator said nothing is going in unless everything goes in.

Senator MUNDT. That is correct. Of course neither the Senator nor anybody else can preclude Senator Dirksen from reading his calls into the record as long as they have been assented to by Secretary Stevens.

Senator JACKSON. A parliamentary inquiry.

Senator MUNDT. The Chair would rule it is perfectly within the rules of order for Senator Dirksen, if he so elects, to read his own conversation with Secretary Stevens into the record.

Senator JACKSON. A parliamentary inquiry, Mr. Chairman. Under the terms of the consent that has been signed by the Secretary of the Army, Mr. Adams and, as I understand, by all members of this special subcommittee, is it possible to take certain phone calls and have them admitted and leave out others, contrary to such consent?

Senator MUNDT. The Chair will ascertain from Counsel Welch whether that is possible or not.

Counsel Welch, does the consent given Secretary Stevens and Mr. Adams have any strings attached? Does it have any modifications? Does it say they must all go in or none?

Mr. WELCH. I think the written document reflects this situation: That Secretary Stevens and Mr. Adams on the written document consent to the admission of all monitored telephone calls between parties, and in addition have given the Senators an option, so to speak, to put in their telephone calls, their monitored calls, if the Senators wish to exercise that option. May I ask, Mr. Jenkins, if that would be your construction of the document?

Mr. JENKINS. Mr. Welch, I entirely agree with you and state further that this morning Mr. Cohn has stated on behalf of himself and of Senator McCarthy that they are now willing for the Senators, the members of this committee, to produce in evidence their respective monitored telephone calls, and under the situation as it now exists, Mr. Chairman, as I view it, each individual member of this committee or every member, all the committeemen, may now read into the record or at any time they see fit read into the record their monitored telephone calls.

Senator MUNDT. Mr. Welch, getting right down to the tea in the Boston Harbor, I want to ask you the direct question whether you desire the Chair to permit Senator Dirksen to read his monitored phone calls with your client into the record, or whether you object.

Mr. WELCH. I certainly don't object as long as he has that option.

Senator MUNDT. You may proceed.

Senator DIRKSEN. All of that was not out of my time, I trust.

Senator MUNDT. It was not.

Senator DIRKSEN. Mr. Chairman, there has been such a Sherlock Holmes attribute about all these telephone calls and the mystery has

gotten so thick that I thought these world-shaking calls between Secretary Stevens and I ought to be brought into the light of day.

The first one happened on Saturday, February 25, 1945, "SA," standing for Secretary of the Army, call to Senator Dirksen, 9:50—SA, Secretary of the Army speaking. [Reading:]

Everett, I called Senator McCarthy this morning. I didn't know where he was yesterday, but John Adams found out that he was staying at the Ten Eyck Hotel in Albany, and I just came off the phone with him and I simply reported to him that I had gone to the various members of the subcommittee that were in town and the substance of the conversation I had with each one of you. Of course, he didn't like it, got very mad about it, and finally he said, "Will you accept a subpoena for 10 o'clock Tuesday morning before the committee?" I said I would take it under advisement. He said, "Are you refusing?" I said, "I will take it under advisement." I don't know whether I will accept it or not. I just wanted to post you that I had talked with him. I tried to tell him what had transpired and it wound up with him subpoenaing me for 10 o'clock Tuesday morning. That development I thought you ought to know and I thought I ought to call the other members and tell them.

Senator DIRKSEN. I understand, Bob, those observations that you gave me yesterday afternoon have all been stricken from the record.

Parenthetically, that was about the Zwicker incident.

SECRETARY OF THE ARMY. They have been?

Senator DIRKSEN. Yes.

SECRETARY OF THE ARMY. I have got an affidavit from the general himself, so it is going to be the general and the captain against Joe's record.

Senator DIRKSEN. Yes.

SECRETARY OF THE ARMY. Because it was all in there.

Senator DIRKSEN. I checked this morning and I understand they were striking it from the record.

SECRETARY OF THE ARMY. We will have to produce Zwicker before the whole committee and let Zwicker himself tell what transpired, because his doctor was with him. I am sorry this thing has taken the turn that it has. I can't sit idly by and watch this officer corps crucified.

The next call, Mr. Chairman, was February 25, 1954, 8:30 a. m., Secretary Stevens phoned Senator Dirksen. Stevens speaking:

It worked just about like I told you it would, and I can't buy it. I am going to have to do something. It may get drastic. I don't want to do anything until all you fine fellows that are working on these big problems tell me what you think, but I am not going to leave it where it is. I think I have been absolutely crucified and the services along with me. And I think it is just a shame, and I think it has to be straightened out today. Just what the right thing to do is, I don't know. My present thinking is this, Everett, since I feel bound by the fact that I can't comment on what went on yesterday. He is not quoted in the papers, but I happen to know what he said to some of the papers; and I feel I have to ask that group or the whole committee to reassemble and go back up there and say this morning that I felt bound and the whole thing is so misunderstood by the press that I will have to make a statement—that I will have to make a statement, and I maybe even tell them what the statement will be.

DIRKSEN. Who have you talked to?

STEVENS. Last evening with Dick and Karl.

DIRKSEN. How late?

STEVENS. I didn't get him until about 11:30. I talked with Karl, with Charlie, and I talked with Jerry. Those are the ones I talked to, and I told all of them my feeling. I said this thing is just incredible, and the press, because I can't explain what happened, is just absolutely going to say I am a yellow-belly and have quit and have capitulated; and that is what they all do say. It will have to be straightened out now. I don't know what to do about it, and I don't want to do anything precipitate, but it will have to be done.

DIRKSEN. Let me call Karl.

February 25, 1954, 9:50 a. m., Senator Dirksen phoned Secretary Stevens:

DIRKSEN. I had a hell of a time rounding them up. In my office at 11:00, 204, Senate Office Building.

STEVENS. And you would like me there?

DIRKSEN. Now, Bob, not a soul knows about this. They won't know from me certainly.

STEVENS. They will probably have some scout photographers around.

Those, Mr. Chairman, are the world-shaking telephone calls.

Senator MUNDT. Does that conclude the Senator's time?

Senator JACKSON.

Senator JACKSON. Mr. Cohn, in order to try to pinpoint the issues in this controversy, I want now to put to you some true-false questions that I also asked of the previous two principals.

Chapter 79, title 18, section 1621 deals with perjury. It states in effect that any person that testifies under oath and willfully and contrary to such oath, states or subscribes any material matter which he does not believe to be true, is guilty of perjury and shall, except as otherwise expressly provided by law, be fined not more than \$2,000 or imprisoned not more than 5 years. There have been a number of allegations and statements made against you, Mr. Cohn, that I believe are material to this controversy. These allegations have been made under oath by Mr. Stevens, Mr. Adams, Lieutenant Blount, and Colonel BeLieu.

I wish to give you the opportunity at this time to declare the truth or falsity of these allegations. On the other hand, there have been a number of statements and allegations by you against Mr. Stevens and Mr. Adams that have been denied by them under oath. I want to give you the opportunity at this time to repeat the statements that you have made in public here and before this forum under oath. If you repeat statements under oath that you have already made in public and which have been denied here under oath by Mr. Stevens and Mr. Adams, then someone is guilty of perjury. This is a most serious matter and I hope you will consider deeply as you answer these questions.

Mr. COHN. Do you want me to comment on that, Senator? I will be glad to. Of course, I know the perjury statute, sir, I prosecuted Communists under it. I also know that the Attorney General and his chief assistant are among those who have instigated this instant proceeding and they are going to be looking at my testimony, and I assure you that anything I tell you will be the truth, in spite of the fact that there is a stacked deck.

Senator JACKSON. Mr. Cohn, the statement that I just read to you is the identical statement that I read, or substantially identical to that I read, to the other two principals.

Mr. COHN. Yes, sir.

Senator JACKSON. Nothing in the statement that I made is to be construed, obviously, that you would testify falsely; you understand that?

Mr. COHN. Of course, I do, Senator.

Senator JACKSON. I am merely making this statement for the record so there can be no misunderstanding as I put these questions, As I say, the form of this preliminary statement is identical with the form that I read to Mr. Stevens and to Mr. Adams.

Mr. COHN. Sir, I will answer every question that you put to me, and I will answer it truthfully.

Senator JACKSON. First, Mr. Cohn, it was stated by you on March 12, 1954, that the Army had issued the so-called chronological series of events because they had failed in prior blackmail attempts. Is this allegation of attempted blackmail true or false?

Mr. COHN. Yes, sir, I think it is true, and I think the testimony of members of this very committee concerning Mr. Adams' visit to them, trying to kill the subpoenas of the loyalty board, and hinting, as one of the members put it, that if that were not done, something else would be done; that, to me sir, is blackmail in the way I use it.

Senator JACKSON. You say you think it is true. Is it true or is it false?

Mr. COHN. Sir, I am sure it is true. I think that has been proved beyond any doubt.

Senator JACKSON. It is stated by Frank Carr in a memorandum to Senator McCarthy of December 9, 1953, and I quote:

Even though they [the Army] said he [Schine] deserved the commission, they didn't give it to him because of the leftwing press and they keep trying to dangle proposed small favors to him in front of us.

End of quote from memorandum.

Did you ever hear Mr. Stevens or Mr. Adams make a statement that Private Schine deserved a commission?

Mr. COHN. Yes, sir.

Senator JACKSON. Then you say—you say you did?

Mr. COHN. I do, sir.

Senator JACKSON. Is this allegation that the Army stated through Mr. Stevens and Mr. Adams that Schine deserved a commission—is that statement true or is that statement false?

Mr. COHN. I don't follow you. They did say that. Mr. Adams particularly said that.

Senator JACKSON. Let's take them one at a time.

Mr. COHN. Yes, sir.

Senator JACKSON. Is the statement that Mr. Adams stated that Schine deserved a commission—is that statement of Mr. Adams true or is it false?

Mr. COHN. Sir, Mr. Adams did say that, yes. I heard him say that.

Senator JACKSON. Is the statement, then, that Mr. Adams made to you that he, David Schine, deserved a commission—is it true that he made the statement?

Mr. COHN. Yes sir; it is true that he made the statement.

Senator JACKSON. All right.

Is it true that Mr. Stevens made a similar statement?

Mr. COHN. I don't recall Mr. Stevens making the statement.

Senator JACKSON. But Mr. Adams did state it?

Mr. COHN. Yes.

Senator JACKSON. That he deserved a commission; and that statement is true?

Mr. COHN. Yes, sir; it is.

Senator JACKSON. Mr. Cohn, you are quoted in the U. S. News & World Report of March 19, 1954, as stating, and I quote:

No improper influence was ever exerted by me or anyone else on behalf of Schine.

Is that statement true or false?

Mr. COHN. Yes sir; that is my position.

Senator JACKSON. Is that statement true or is it false?

Mr. COHN. I believe I told you, sir, that statement is true.

Senator JACKSON. You did now.

Mr. COHN. I will say it again, sir. That statement is true. I did nothing improper.

Senator JACKSON. That is all I want.

On Meet the Press on March 14, 1954, you answered a question of Mr. Jack Bell by stating, and I quote:

The only communication we had with the Army about Schine when he was down at Fort Dix was pursuant to our arrangements that after his training was over at the end of the day and over weekends when he was doing no training he would, instead of recreational activity, devote himself to work, and that was the only purpose of any communication we had with the Army while he was at Fort Dix.

Mr. COHN. Sir, I believe I said "committee work."

Senator JACKSON. I will reread it. What part of it? Do you have the transcript?

Mr. COHN. Yes, sir.

Senator JACKSON. From Meet the Press?

Mr. COHN. I have an excerpt from the transcript which I believe to be accurate.

Senator JACKSON. What part? Let me read through and you stop me when I——

Mr. COHN. I can save time. You said "devote himself to work." I believe that I said "devote himself to committee work."

Senator JACKSON. Just a minute, and I will have the actual transcript read to you.

Mr. COHN. Yes, sir.

Senator JACKSON. That was obtained from Meet the Press. I think there can be no—where does it appear in your transcript, what page? I have this from a typewritten sheet, and it may well be, Mr. Cohn, that the stenographer made an error.

Mr. COHN. It may be that I am wrong, too, sir. We will know in just one moment.

I have a photostat of the original transcript here, sir, and I believe on page 7——

Senator JACKSON. Page 7 of the transcript.

Mr. COHN. The words "committee work" appear.

Senator JACKSON. Suppose we come back to that on the next go-around.

Mr. COHN. Surely. Of course.

Senator JACKSON. Suppose we come back to that.

Mr. COHN. Surely. I would be glad to hand up the original. It is a photostat of a transcript.

Senator JACKSON. We have it right here. I understand it may have been "committee work." We are checking it right now.

Mr. COHN. Yes, sir.

Senator JACKSON. Let me refer again to Meet the Press, if you have it handy there.

Mr. COHN. Sure.

Senator JACKSON. I don't want any mistakes from the actual transcript.

Mr. COHN. No.

Senator JACKSON. You were quoted on Meet the Press on March 14 as stating in an answer to Larry Spivak, and I quote:

As I said, Mr. Spivak, we did not ask for special treatment for him—meaning Schine.

Is that statement true or false?

Mr. COHN. Yes, sir, that is true. I said, "As I said, Mr. Spivak," and I believe that relates back to certain things which I said then, which I have said before this committee, namely, sir, that our discussions with the Army about Schine were with relation to finishing up committee work. That on the question of assignment, what treatment, what was desired for him was what he deserved on the merits, nothing more, sir, and nothing less. I stand on that statement.

Senator JACKSON. It is a crucial question, Mr. Cohn, because they do allege that special treatment had been asked for.

Mr. COHN. I say with the modification—as I say, if you refer back to the entire context of the broadcast, the statement is true.

Senator JACKSON. The next question. In a memorandum from you, Mr. Cohn, to Senator McCarthy dated December 9, 1953, the following was stated—if you have that memorandum of December 9, 1953.

Mr. COHN. Yes, sir. I will be right with you. I remember it.

Senator JACKSON. From you to Senator McCarthy. I quote:

John Adams said today that following up the idea about investigating the Air Force he had gotten specific information for us about an Air Force base where there were a large number of homosexuals. He said that he would trade us that information if we would tell him what the next Army project was that we would investigate.

Mr. COHN. Yes, sir.

Senator JACKSON. End of quote.

Mr. COHN. That is right.

Senator JACKSON. Is that true or is it false?

Mr. COHN. That is true, sir.

Senator JACKSON. Is the statement that you made on Meet the Press on March 14 in answer to a question by Jack Bell, that you never used vituperative language in your dealings with the Army, true or false?

Mr. COHN. Senator, I think I have given the best answer to that I can before the committee. In my opinion, I never used vituperative or obscene language to Mr. Adams or anyone else. I did, sir, as I am sure every other human being does at some time or other, use a word or two which he would not want to repeat on television. There was nothing that would shock anybody, I am sure.

Senator MUNDT. The Senator's time has expired.

Senator Potter?

Senator JACKSON. All right.

Senator POTTER. Mr. Cohn, I would like to call your attention to the controversy that came about as a result of the press conference that Secretary of the Army Stevens had November 13. Are you familiar with that press conference?

Mr. COHN. I am, sir.

Senator POTTER. I believe he stated at the press conference that there was no current espionage at Fort Monmouth.

Mr. COHN. I think, sir, that the Herald-Tribune story by Homer Bigart went further and said "No current espionage"—period. At least that is the way the story went.

Senator POTTER. Did Mr. Stevens give out a prepared press statement, or was this at a news conference where he responded to questions?

Mr. COHN. This was at a news conference at which he was responding to questions.

Senator POTTER. Do you have in your files a copy of that press notice that you made reference to?

Mr. COHN. I think so, sir. I saw it a couple of weeks ago.

Senator POTTER. The reason I am asking the question is that on page 22 of Mr. Stevens' statement he states at the top of the page:

Cohn referred to a statement by me at a press conference on November 13 to the effect that I was not then aware of any current espionage at Fort Monmouth.

Mr. COHN. Yes, sir. I am with you, sir.

Senator POTTER. I am asking if that statement is correct, that that was the context of his press conference.

Mr. COHN. No, sir. It went further than that.

Senator POTTER. If you have a photostat of that press release would you read the pertinent portion?

Mr. COHN. Yes, sir. The headline is "Army Says McCarthy Uncovered No Spying in Monmouth Inquiry. Several of the 33"—

Senator POTTER. Is that the headline?

Mr. COHN. Yes, sir, that is the headline.

"Several of the 33 Suspected Back in Jobs," by Homer Bigart, Washington, November 13.

Army Secretary Robert T. Stevens said today that the investigation conducted by Senator Joseph R. McCarthy, Republican, Wisconsin, into alleged spying activities at the Army Signal Corps Center at Fort Monmouth, N. J., had produced no evidence of espionage.

Senator POTTER. Is any of that in quotes?

Mr. COHN. No, sir. It is not in quotes, but I assume that the reporter was trying to give an accurate account of what the Secretary said, although the Secretary said the reporter had not given an accurate account.

Senator POTTER. I wonder if the photographers would get down in front so I can at least see Mr. Cohn. Thank you.

Mr. COHN. On that point, sir, it said no espionage.

Senator POTTER. At that time was there current espionage at Fort Monmouth?

Mr. COHN. Sir, that is a thing which is very difficult to tell. What Senator McCarthy had said and what I had said and what Mr. Stevens knew is this: That a majority of the members of the Julius Rosenberg spy ring had infiltrated the Army Signal Corps and had gone to work, I think some 5 or 6 of them, physically, at Fort Monmouth. We knew, sir, that their proteges, their friends, their associates, people for whom they had gotten jobs, had continued to work up at Fort Monmouth down through the years, that some who had moved away had not moved far away but had moved out of Fort

Monmouth physically into places where Fort Monmouth let out its subcontracting classified work. So it was just about the same work being done in a different building a number of miles away.

Senator POTTER. But you can't state for a certainty that espionage was current at Fort Monmouth at that time?

Mr. COHN. I can't state one way or the other, sir, whether espionage is today or was then going on at Fort Monmouth. I can state under oath, sir, that members of the most dangerous spy ring known to the history of this country had worked at Fort Monmouth and its subsidiaries, that some of their friends and associates for whom they had gotten jobs continued to work there up through the time this committee began its investigation, that in the case of one of their associates, sir, that many had taken documents from the secret radar laboratories without authorization, that they had been found in a raid in a bureau drawer of his home, that the Department of Justice had an espionage case under consideration concerning this individual who was working at Monmouth when our investigation was underway. I can further tell you, Senator Potter, that a number of people connected with the Signal Corps, who had worked at Monmouth, who had left it and who were then working either in private industry or at places doing work for Fort Monmouth, claimed the fifth amendment, refused to answer, on the grounds of self-incrimination, as to whether or not there was current espionage at Fort Monmouth, that at least one of those people had been in communication with Fort Monmouth people, with people in other secret defense installations. So that is about the best picture of this I can humanly give you, Senator Potter. It was a bad situation.

Senator JACKSON. Mr. Chairman, I have a parliamentary inquiry not to be taken out of his time.

Senator MUNDT. Senator Jackson?

Senator JACKSON. I would like to know or ask of the Chair whether the incident related to by Mr. Cohn was in connection with the current activities at Fort Monmouth, or did it relate to an incident that took place in 1945.

Mr. COHN. Which incident?

Senator JACKSON. Well, you told about the papers being taken home and this other activity.

Mr. COHN. That particular incident, sir, took place in 1946. In addition to that, sir, there were other incidents involving the removal of papers at the direction of the same individual, which had taken place at another period of time. I don't know the exact years. I do know that the Department of Justice a year or two ago, I believe, had the matter under active consideration as an espionage case.

Senator POTTER. Mr. Chairman, I have a high regard for my good friend from Washington, but I would appreciate it if he wouldn't steal my questions.

Senator JACKSON. I am sorry. I didn't mean to.

Senator MUNDT. The Chair will state that was not in the nature of a parliamentary inquiry. But it was something that the Chair was not prepared to rule upon. I believe that we should not under the guise of a parliamentary question ask questions that pop into our minds.

Senator JACKSON. Then it was a current inquiry.

Senator MUNDT. Senator Potter?

Senator POTTER. As I understand your—

Senator McCARTHY. Mr. Chairman, may I give the committee some information which I assume they would want?

Senator POTTER. It will not come out of my time, will it?

Senator MUNDT. It will come out of your time, if you yield.

Senator POTTER. If it comes out of my time, Senator, I am sorry.

Senator MUNDT. We will get no place. Senator Potter has the floor and he must yield his time.

Senator POTTER. I speak so seldom here, that I thoroughly enjoy the couple of minutes that I have.

Senator MUNDT. Senator Potter has the floor.

Senator POTTER. Mr. Cohn, as I understand your testimony, it is that the doubt as to whether espionage was taking place was a current doubt rather than something that happened several years ago. Is that correct?

Mr. COHN. Yes, sir. We had a picture where we knew for a fact that proven and convicted spies had worked at Fort Monmouth. We knew, sir, that their friends, some of their friends and associates, were still there. We knew that papers had been taken, and we had the further information that some 34 or 35 people were suspended as security risks, which means that there were grounds to believe that they would engage or might engage in activity such as this. It was enough of a situation, sir, to put everybody on very grave notice.

Senator POTTER. Now, Mr. Cohn, a news report of the Secretary's press conference caused yourself and Senator McCarthy a certain amount of concern?

Mr. COHN. It did, sir.

Senator POTTER. So that Secretary Stevens came to New York to discuss it with you?

Mr. COHN. Yes, sir.

Senator POTTER. As a result of that meeting with yourself and Senator McCarthy with the Secretary, a joint statement was issued. Is that correct?

Mr. COHN. I think it was a statement by Mr. Stevens.

Senator POTTER. Or a statement by Mr. Stevens.

Mr. COHN. Yes, sir.

Senator POTTER. How did his second statement differ from his original press conference statement?

Mr. COHN. Well, I think he tried in the second statement, sir, to correct some inaccuracies.

Senator POTTER. I am asking you to point out, if you will, the difference.

Mr. COHN. Yes, sir. I believe—my recollection, and I will have that reinforced by a news article in a moment, sir—is that Mr. Stevens made it very clear that he had not said or had not meant to say there had not been espionage at Monmouth, because he knew there had been espionage at Monmouth. As to how far along it had continued, whether it had continued after the war, 1950, 1951, 1952, and 1953 he and nobody else could say exactly. But there had been espionage and there was certainly a possibility, a strong possibility that it had continued well after the war.

Senator POTTER. In the second statement that is submitted to the committee, he states the following:

It boiled down—

and he is speaking about his release that was made in New York—it boiled down to my saying that the Army had no evidence of current espionage, and in making that statement I made it clear that I was speaking only for the Army and not for the committee.

Now, is that a true statement or not?

Mr. COHN. It is inaccurate, sir. He went further than that. He took back this no-espionage statement and said that there had been espionage as a fact—he knew that as a fact—that it had, I believe, sir, continued down after the war. I am looking for the story by Bill Conlin of the New York Times.

Senator POTTER. You don't have a copy of his press release?

Mr. COHN. No, sir.

Senator POTTER. Was that a release or was that a press conference?

Mr. COHN. That was a press conference. It was reported in the New York Times. The article was by Bill Conlin who did a great job telling the Hiss trial and the other trials for the Times.

I hope this doesn't get him fired. It was an accurate article, sir, and reflected what I heard the Secretary say on that occasion. It is the New York Times of November 18, 1953.

Senator POTTER. If it is available, I would like to have you point out to me how that statement differs from the statement that the Secretary submitted to the committee.

Mr. COHN. Yes, sir.

I remember this. I gave one copy of the article to Mr. Jenkins at one point, sir. I don't know whether his staff has it or not.

Senator POTTER. Well, rather than to use the time for this purpose, possibly you can secure that, or our counsel can secure that.

Senator MUNDT. The Chair suggests that if the staff does not have it, we can get a photostatic copy of that article from the Library of Congress during the lunch hour and it will be available right after lunch.

Mr. COHN. Yes, sir.

I might say this, Senator Potter, Mr. Stevens did say in what he said in his press conference, of course he was referring only to what he knew from the Army standpoint and possibly they had not uncovered what the committee had.

But I believe, sir, he went on to say that there had been espionage and it had continued well after the end of the Second World War.

Senator MUNDT. The Senator's time has expired. I am sorry. Senator Symington?

Senator SYMINGTON. Mr. Chairman, I was going to pass in an effort to expedite the hearings, as did counsel, but after the hearing yesterday I asked my office to get from the Department of Defense the way that security risks are handled by the Department of Defense. And so that the American people might understand this problem, perhaps a little better, I would like to use my time in reading an answer that I have just received and had a chance to go over.

During the course of yesterdays hearings, the impression might have been created that the Defense Department is powerless to protect itself from Communists, alleged Communists, or security risks, working in private industry on classified defense contracts. Such an impression is erroneous.

Responsibility for granting clearance to employees in private industry to work on classified defense contracts rests with the military

department which has cognizance of the industrial facility in question. For example, if the original contract is procurement by the Army, what is known as security cognizance may be assigned to the Army and in that event, Army security officers are responsible for security at the plant in question.

If the original contract is a Navy one, the Navy would usually be assigned security cognizance for the industrial plant in question.

Once a security clearance is granted to the officers and executives of an industrial plant, the management of that plant is delegated authority to grant to its employees clearance to work on contracts classified confidential.

Clearance to work on contracts classified secret or top secret, however, can only be granted by the security officers of the Army, Navy, or Air Force. Before a clearance is granted, an investigation of the individual is conducted, with the extent of the investigation depending upon the type of clearance being sought.

For example, if the clearance is sought for work on secret contracts, then a so-called national agency check must be made. This means that the military departments concerned will check with such agencies as the FBI, the House Committee on Un-American Activities, the Civil Service Commission, and other agencies, to determine whether any of those agencies has derogatory information on the individual for whom the secret clearance is being sought. Despite the delegations of authority to the management of an industrial facility to extend a confidential clearance, the ultimate responsibility for the continuation of such clearance rests with the military department concerned. An industrial personnel security clearance is ordinarily revoked only upon the authority of the appropriate regional industrial personnel security board, comprised of Army, Navy, and Air Force military and civilian personnel.

However, in an emergency, the military department concerned can always summarily suspend a clearance independently and thus protect the security interests of the United States. This authority is specifically provided for in section 422.39 of the Armed Forces industrial security regulations. Such authority has been exercised in the past.

For example, let us assume that employee John Jones is working in a privately owned factory on a defense contract which is classified "Confidential," "Secret," or "Top secret." If a congressional committee were to give the Department of Defense information indicating that John Jones had a Communist background or was otherwise a security risk, the Defense Department could immediately order that security clearance of John Jones be suspended, and thus require his employer to take him off the defense contract at once. Thus, although the Defense Department cannot require an employer to discharge an employee who is a security risk, the Department can compel the employer to bar that employee from contact with classified defense contracts and material.

The important thing is that the Defense Department is able to bar security risks from contact with classified information. As pointed out above, the Department does have that authority and it does use it. The law, paragraph D, section 422.39, Armed Forces Industrial Security Regulations, 18 Federal Register, page 6538, October 14, 1953, reads as follows:

A personnel security clearance ordinarily is revoked only upon the authority of the appropriate regional industrial personnel security board. However, in an emergency, the military department concerned may suspend the clearance. An emergency is defined as any situation in which failure to act until the above authorization has been obtained presents a serious threat to the security interests of the United States. When information develops which indicates that a personnel security clearance should be revoked, the military department concerned will submit promptly a full report with appropriate recommendations to the appropriate regional industrial personnel security board with information copies to the Central Intelligence file and the other two military departments. In the event a military department suspends a personnel security clearance for emergency reasons, it will immediately notify the individual concerned, management of the facility which was granted the letter of consent for the subject individual, the Central Intelligence file, as well as other interested military departments. A full report of the case will be made promptly to the appropriate regional industrial personnel security board, which will assume jurisdiction of the case, and determine whether the suspended individual's personnel security clearance should remain in effect or should be revoked.

I believe that it is wise to put that into the record, Mr. Chairman, in order to clarify the issue which came up yesterday, and I now yield the rest of my time.

Mr. COHN. Mr. Chairman, may I be permitted in the form of an answer to make a brief comment on that?

Senator SYMINGTON. Mr. Cohn, I would be glad to have you make an answer, but I didn't read it requesting an answer. This is simply information with respect to how the Department of Defense—that is our Army, Navy, Air Force, and Marine Corps—to the best of their ability try to handle subversives all over the United States in defense plants. If you would like to make an answer to it, I wish you would answer it to the Department of Defense, unless you question the statements that have been made here by the Department.

Mr. COHN. I do, sir.

Senator SYMINGTON. You question these statements?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Then I would wish that you would give me that, because I would like to take that up with Mr. Wilson and the proper authorities in the Department of Defense.

Mr. COHN. Surely, sir.

Senator SYMINGTON. I might add it has been nearly 10 years now since I have been in private business, and therefore your disagreement with the Department may well be correct, but this was what I felt was substantially the way it was handled when I was in private business, and apparently there have been very few changes in the way it is handled now.

Mr. COHN. Senator Symington, sir, I appreciate your giving me the opportunity to comment on it.

I might say, Senator, that my knowledge of this is, I am sure, not as great as yours, but it is based on practical experience within the last 6 months on just how these cases are handled by private industry—sir, I was saying that my limited experience in this is based, however, on practical experience of this committee and its staff in handling these very cases of Communists in defense plants during the past 6 months.

Senator SYMINGTON. May I ask this question: Is that on classified material?

Mr. COHN. Both, sir.

Senator SYMINGTON. On classified material, did you promptly notify the Department of Defense, because under this emergency provision they could immediately have suspended them?

Mr. COHN. Yes, sir. I would say that at every stage in the game, a Department of Defense representative was either present or welcome to be present.

Senator SYMINGTON. When you got the information, did you notify the Department of Defense that there were Communists or subversives who were working on classified information?

Mr. COHN. Yes, sir. I can't tell you that at every point—

Senator SYMINGTON. Was this before the hearings?

Mr. COHN. Sir, I will try to tell you what happened. I can't tell you, sir, that at every point when information came in we called up the Department of Defense. We would first try to check out the information and map it out. Usually, sir, we would be told that the Department of Defense already knew about it and had not done anything about it. However, in spite of that, sir, we would notify and our staff consulted frequently with appropriate representatives of the Department of Defense on these names and on these situations.

Senator SYMINGTON. Let me make my point. I am not differing with you on it. I am only as anxious as I believe you are, if there are as of this morning any Communists in the 133 group working on classified material for our Government, they ought to be gotten out of that position right away.

Mr. COHN. Yes, sir.

Senator SYMINGTON. If you have not given that information, which presumably you would give as soon as you had it, regardless of whether it was before a hearing or during a hearing or after a hearing, I would urge that immediately you do give the information to the Department of Defense, because based on these regulations it would be possible for them to immediately get rid of these people.

I will be glad to yield.

Senator MUNDT. The Senator's time has expired. Mr. Cohn may answer the question if he cares to, but the time has expired.

Mr. COHN. Senator McCarthy—

Senator MCCARTHY. I would like to give Senator Symington some information on this.

Senator MUNDT. Have you a point of order?

Senator MCCARTHY. I think the Chair wants this information.

Senator MUNDT. The Chair has recognized Mr. Cohn to answer the question. He is entitled to answer it.

Mr. COHN. I would very much like to answer the question, because I think I can point out to Senator Symington—

Senator MCCARTHY. Will the witness desist until I can give the committee this information?

Mr. COHN. Of course I will.

Senator MUNDT. The Chair has recognized the witness. He is not in a position to yield. I will recognize Senator McCarthy at the appropriate time.

Mr. COHN. I give my time to answer to Senator McCarthy very gladly, if I may.

Senator MUNDT. Very well, if you would rather have Senator McCarthy answer it.

Senator McCARTHY. I was called out of the room and came back with information which the Chair, I think, would want, and I will try to give it to the committee. I appreciate the fact that I finally can.

Last night the committee voted to advise me to give the Defense Department information about the Communists in defense plants, Communists who were there as of this moment. While I felt that was a useless gesture because I knew they had all the information, nevertheless I complied with the request of the committee. I had my office staff call the Pentagon last night and asked them if they wouldn't send a man over to get this information. I was just called from the room now and was informed that as of this moment they have not yet decided whether or not they will accept that information.

I told the Pentagon it was available, that I would take my entire noon hour off to give it to them. I explained the significance of the various pieces of information. However, I did tell them that I wanted this done with an official reporter present so that at some time in the future there could be no question about just what information they got, No. 1. I didn't talk with them personally. My secretary did. No. 2, they were informed that we would want the assurance that they would abide by the committee rules, namely, that they would not make public the names of anyone who was accused of being a Communist until he or she had an opportunity to appear under oath, either before this committee or before some loyalty board.

As of this moment, I guess it is around 12 o'clock, they haven't decided whether or not they want that information and whether they will come over and get it. I give that to Senator Symington in view of the fact that he has been urging that we turn this information over to the Pentagon.

May I say to the Senator, I think maybe the reason that they are in doubt whether they want it or not is because they know that they have all of this in their files right now.

Senator SYMINGTON. Would the Senator yield for just a minute?

Senator McCARTHY. I certainly will.

Senator SYMINGTON. Just for a question.

Could I ask you who was in the Pentagon who was not sure they would like to have the information?

Senator McCARTHY. I don't know who is making the decision over there.

Senator SYMINGTON. Who did your secretary talk to?

Senator McCARTHY. My secretary talked to Mr. Fred Seaton, and asked him to pass on the information. He is, I believe, the liaison between the Congress and the Pentagon. May I say I hope this is not considered as any reflection upon Mr. Seaton. I served with Senator Seaton in the Senate and I have the highest regard for him. I know he is not making the decision.

Senator SYMINGTON. Could I ask one more question?

Senator McCARTHY. Yes, sir.

Senator SYMINGTON. Is Mr. Seaton the one who told your secretary he wasn't sure he wanted the names of possible Communists in the Department of Defense?

Senator McCARTHY. They called back and said they had not yet decided whether they would send a man over to get the information from me this noon. I told him if they couldn't make the decision before noon, if they could make it before night, good, tomorrow noon,

the next night, whenever they made the decision they could have the information.

Senator MUNDT. Senator Dworshak.

Senator DWORSHAK. Mr. Cohn, yesterday you answered one of my questions by stating that it was your opinion that this subcommittee should continue its investigations of subversives at Fort Monmouth.

Mr. COHN. Yes, sir.

Senator DWORSHAK. You reiterate that?

Mr. COHN. Yes, sir.

Senator DWORSHAK. Has your staff made any preliminary surveys or investigations in other military installations?

Mr. COHN. Yes, sir.

Senator DWORSHAK. Have you found any disturbing conditions in the other installations?

Mr. COHN. Yes, sir.

Senator DWORSHAK. Have you informed Secretary Stevens or other officials in the Department of the Army concerning your disclosures in other places?

Mr. COHN. Yes, sir.

Senator DWORSHAK. What has been the response?

Mr. COHN. I don't know what the determination has been in each case, sir. We have been out of touch with Mr. Stevens and Mr. Adams for some period of time.

Senator DWORSHAK. In how many other plants or installations have you made these surveys?

Mr. COHN. There were, sir, a number of other situations which we discussed with Mr. Adams involving possible Communist infiltration in the Army, sir.

Senator DWORSHAK. Are you planning, through the subcommittee staff, to expand the operations in exposing these subversives and security risks in the other installations?

Mr. COHN. I suppose, sir, subject to the direction of the committee, we will go back to where we were before all of this started.

Senator DWORSHAK. Do you realize that the implications of your statements must be disturbing to millions of Americans who recognize the sinister menace of espionage and sabotage within these installations?

Mr. COHN. Sir, I am not saying that I know of espionage and sabotage. I am saying that I know the staff has developed certain information concerning disturbing situations, in that people with records of Communist affiliation and Communist activity have held and in some cases do hold positions with the Army in one capacity or another; yes, sir.

Senator DWORSHAK. If it is your opinion, Mr. Cohn, that it is necessary for your staff and the subcommittee to continue a vigorous investigation of subversives at Fort Monmouth, are you implying also that it will also be necessary for the subcommittee to undertake comparable investigations in other installations if we are to expose and rout out these subversives?

Mr. COHN. Yes, sir. I believe that there is still a good deal of work to be done.

Senator DWORSHAK. Do you have any lack of confidence in the Secretary of the Army, the various officers and officials in the Army, in getting an exposure of these subversives?

Mr. COHN. Sir, I am sure that the 99.99 percent of the people in the Army concerned with it in any way are great and loyal Americans. Very unfortunately, the Communist Party has selected the Army as one of its objects for an infiltration campaign, and it has succeeded in a small measure. Even that small measure is very disturbing. I believe, sir, that the Army needs and should welcome as much assistance as it can get from this and other committees, as Senator Dirksen pointed out yesterday, with the use of their subpoena power which the Army does not have, in routing out these subversives. I am subject to the direction of this committee. I stand ready to give that assistance.

Senator DWORSHAK. Mr. Cohn, you realize that with the limited staff personnel it would take months if not years to accomplish this work in all of these installations and in the meantime facing these uncertain world conditions involving the possibility of involvement in war, that it is a disturbing situation which should no longer be tolerated.

Mr. COHN. Yes, sir.

Senator DWORSHAK. Can you explain or rationalize any alleged reluctance on the part of the Department of the Army to vigorously undertake this exposure of subversives?

Mr. COHN. Well, sir, I don't say that they are not now doing their best to undertake it. I do say, sir, there has been this infiltration, it does exist to a degree. Certainly there is no doubt about that. I do say, sir, too, that there are some people over there, just about like every place else, I suppose, who, for some reason, seem to feel that by covering up and by protecting the people who are responsible for Communists and subversives being in the Army or any other place or agency, they are helping themselves and avoiding an embarrassing situation. I also know, sir, that these agencies do not have the subpoena power as does this committee, and that failing to have the subpoena power, they are deprived of a very important weapon in fighting communism and subversion.

I have not regarded it, sir, as an adversary proceeding. I think it is a matter of working together to get a result. I think in that the Executive has to play a vital part, and I think in that, too, sir, that the Congress and this committee in particular must also play a vital part. I see no conflict between the two.

Senator DWORSHAK. Well, I didn't want you to draw that inference, of any conflict or dissension. Everyone recognizes that the investigations subcommittee has done a most effective work at Fort Monmouth. But it is disturbing to me, and I am sure to the American people, if we are to draw the inference that only this subcommittee is in a position to do this important work, so far as subversives and security risks are concerned.

What would you recommend be done? Certainly within the limited personnel of the staff, it would take, as I say, years to accomplish this, and we cannot justify taking so much time. Should the Congress take cognizance of this, or in what way should something be done to arouse the Department of the Army to this sinister menace?

Mr. COHN. Sir, we have done everything we can to arouse them to it. We have acquainted them with a good deal of information which we have about various of these situations. I think to answer your question directly there is, of course, you are right, Senator Dwor-

shak, there is a limit on what this or any other committee can do. But I think that if everyone who has responsibility in this important field does work, and work hard, and we all work together, a lot can be accomplished. I know that this committee has been responsible for the removal from defense plants and from places in the Army a number of Communists during the past year. If we have gotten only one out, I think that would have been an accomplishment. The fact that many of them have been gotten out, I think, is to the very great credit of the members of the committee. The last comment I would make, Senator Dworshak, is if we could get information such as that requested on the Peress case, a little bit faster, and find out—get to the bottom of who is responsible for promoting a fifth amendment Communist to the rank of major, after that Communist has invoked the fifth amendment to the Army, who, knowing that, promoted him, who, knowing that, did other things in his favor, permitted him to be in contact with other military personnel; if we could get that information and find out all the people who decided this man should be given an honorable discharge; if we get to those people, I think we will have taken another step forward in this fight.

Senator DWORSHAK. You think, then, that this subcommittee can accomplish this task without any additional assistance?

Mr. COHN. No, sir; I think this subcommittee needs all the help it can get from other committees of Congress, from the executive agencies, and from the investigative agencies. I think we all have to work together. I would agree with you the job is probably too big to be done 100 percent with everybody working together. It certainly can't be done 100 percent by people working alone or in conflict with each other.

Senator DWORSHAK. Everybody recognizes that the FBI has done exceptional work in compiling these files of subversives. What can be done, if anything, to insure the immediate availability and the effective use of these files?

Mr. COHN. That is a very great problem, Senator Dworshak. These files, sir, very correctly stated, do contain the vital information, and they are forwarded not to us, unfortunately, we don't get them, but Government agencies do get them. The departments concerned do get them. The defense plants concerned, the military-security liaison do get them. Then the question you raise, Senator Dworshak, is what could be done about it when they get them and don't do anything about them, ignore the information in them, and that has certainly happened in a number of cases. I would say one answer, sir, is for committees such as this to come along and point out the failure to act as an example of inefficiency in the executive, which is our mandate under the Legislative Reorganization Act. When we do that, when we point that out, results usually do follow.

Senator DWORSHAK. Mr. Cohn, we are reminded almost daily of the possibility of involvement in war in Indochina and southeast Asia. The American people have apprehension and fear over possible intervention. It seems to me that right here at home if we face involvement we ought to take advantage of every opportunity to safeguard our military forces so that we can rely upon them in case of war. What can we do more specifically to insure an immediate house cleaning of these subversive elements so that the American people will know that in case of involvement in war in the com-

ing months we can present a united front instead of inviting the possibility of sabotage right here in the military forces?

Mr. COHN. Senator Dworshak——

Senator MUNDT. The Senator's time has expired. The witness may answer the question.

Mr. COHN. Senator Dworshak, that is a very big and a very important question. I am sure it probably could be answered a lot better by the members of this committee who have had a great deal more experience in this than I have. All I can give you is my opinion, sir. I think there are a number of things which can be done. I think one thing, sir, is that all of us should work together. In other words, the executive has its responsibilities, the Congress has its responsibilities. There is no need for any conflict whatsoever. The two should operate in aid and in help of each other in getting these subversives and Communists out.

As far as this committee is concerned, sir, I would say if we could continue the way we were before, holding these hearings, executive sessions, public hearings, exposing these Communists and these traitors, getting them out of defense plants, getting them out of positions in the Army and other places, that that would be a big step forward.

On the particular problem which you mentioned about safeguarding these plants, I think another important step lies in dealing in some way with the problem of Communist domination of certain parts of certain labor unions, such as United Electrical Workers, which have thousands of members in defense plants doing vital war secrets. Some way must be found of coping with those unions and stopping them.

When the leaders of those unions invoke the fifth amendment as to Communist Party membership, membership and activity in the Communist conspiracy, some way must be found, sir, to prevent those unions from manning vital defense plants and vital war plants.

Those are a few of a good many problems which are presented and I am sure that people with more experience and wisdom than I could answer better.

Senator MUNDT. Senator McCarthy, 10 minutes. We also would like to get to Counsel Welch for 10 minutes. The Chair hopes there will be no yielding which would require additional time.

Senator MCCARTHY. Mr. Cohn, yesterday in your questioning there was brought out the fact that as a result of your trip to Europe surveying the libraries, a man by the name of Kaghan resigned.

Mr. COHN. Yes, sir.

Senator MCCARTHY. There was brought out the fact that Mr. Kaghan had written plays that were produced by the Communist Party, rather by Communist fronts, that he lived with a Communist for quite some time knowing he was a Communist, that he signed this pledge in which he said, "I intend to support in the coming election and I do hereby nominate the following-named person as a candidate of the Communist Party."

I believe there was brought out the fact that Mr. Kaghan at the time he went to Europe was holding what job again?

Mr. COHN. Mr. Kaghan, when I saw him, sir, was the Acting Director of the Public Affairs Office for the High Commissioner of Germany. He had some 4,000 people working under him.

Senator McCARTHY. Having to do with the information which we dispensed in Europe; is that right?

Mr. COHN. Yes, sir. Information and a statement of the position of the United States and the free world in the fight against communism.

Senator McCARTHY. Since I questioned you yesterday, Mr. Cohn, there has come to my attention information which I think the committee may want, but, first, let me ask you, do you recall that it was admitted under oath by Mr. Stevens that it was a New York paper called the New York Post that instigated the charges against Mr. Schine?

Mr. COHN. That is true, sir.

Senator McCARTHY. I want to tell you now, Mr. Cohn, that I have learned that Mr. Kagan, the man who signed this Communist pledge, pledging his support to the Communist Party, the individual who lived with Communists, who wrote plays which the Communist front produced, is now working for the paper, if you can call it that—and I avoid saying “newspaper”—which instigated the charges against Mr. Schine? Do you follow me? In other words, Mr. Kagan—

Mr. COHN. I follow that, sir.

Senator McCARTHY. The man who was head of our information program, who signed a pledge saying, “I will support Communists,” the New York Post which instigated the charges which resulted in all this time spent here—we find that Mr. Kagan is one of the men on the New York Post.

Do you think that might have some significance?

Mr. COHN. I think it has a great deal.

Senator McCARTHY. As far as the—

Mr. COHN. I don't say I am surprised that they have employed him, but it does have a great deal of significance, I think.

Senator McCARTHY. Mr. Cohn, you have been with this committee, I believe, since I became chairman or a few days after I became chairman.

Mr. COHN. Yes, sir.

Senator McCARTHY. You and I have often heard the charge that “We don't like the methods of the committee,” and “We don't like the way witnesses are treated.”

Mr. COHN. Yes, sir.

Senator McCARTHY. You know we never find them giving any specific incidents.

Mr. COHN. Yes, sir.

Senator McCARTHY. You have interviewed I believe thousands of witnesses. We have had over 500 witnesses appear before the committee under oath? Could I ask you this: Did you ever see anyone mistreated?

Mr. COHN. I did not, sir.

Senator McCARTHY. It seems that the shining example of mistreatment was a general. I never knew before that a general could be intimidated by a few questions. I thought we had a fairly tough Army, and I think most of them would not be intimidated by being asked to tell the truth. Could I ask this: Is it correct that when General Zwicker was called, we had heard that he might possibly have a heart condition, that we insisted that his doctor sit beside him, that the doc-

tor was instructed that if he felt the examination became too vigorous, if he felt that General Zwicker was being excited in any way, the doctor would have the absolute right to call a halt to the questioning of General Zwicker?

Mr. COHN. Yes, sir. General Zwicker did not want the doctor there. You insisted that he be in the room at General Zwicker's side and that he interrupt the proceedings at any moment if he felt there was any possibility that the questions should not continue.

Senator McCARTHY. I told the doctor that we would give him in effect the veto power—I didn't use those words, probably—over anything we were doing, that if he felt that the examination was getting too vigorous all he had to do was to say so and we would call a halt.

Mr. COHN. That is right, sir. There is no doubt about that.

Senator McCARTHY. Isn't it correct, Mr. Cohn, that after the Zwicker testimony the press came in as they always did. I told General Zwicker that I wanted him to sit right there in the jury box and listen to everything I said and if I misquoted anything I wanted him to know that he was no longer under the jurisdiction of the committee, and I wanted him to correct any misstatements that I made. Is that correct?

Mr. COHN. Yes, sir.

Senator McCARTHY. And then is it correct that General Zwicker did sit there? When I asked him if he had any correction to make, he made none. He waited until after I had left the building and then made a statement?

Mr. COHN. That is true, sir.

Senator McCARTHY. And we heard this morning about deletions from the record. Is it correct, Mr. Cohn, that you contacted the official reporter and checked with him and found that every word that he had in his notes was transcribed so that anyone who wants to read the Zwicker testimony can get it now and read it?

Mr. COHN. Sir, that is true, and I believe the official reporter furnished an affidavit to that effect to the committee, and if Mr. Stevens or anyone else suggests the contrary, he is very badly mistaken.

Senator McCARTHY. Now, Mr. Cohn, you and I, I believe, have gone over the Zwicker testimony, read it over. We were curious to know where we might possibly have scared this general or abused him. Having read that testimony over, can you say that this general was or was not in any way abused?

Mr. COHN. I don't think he was, sir.

Senator McCARTHY. I mentioned that case, because that is the only one in which there was abuse claimed, as I recall. Is it your testimony, Mr. Cohn, that as far as you know, each witness we called before this committee, and I think without exception there might have been a few, but I can't recall any, was informed that he had a right to have counsel, that his counsel could sit beside him, that if at any time he wanted to discuss any question with his lawyer he could do that, if at any time he or his lawyer felt they needed a private conference, that we would furnish a room for them to have a private conference, and that before our committee we had gone far beyond what is done in a courtroom or before a grand jury. There a lawyer can only object. Here we allowed the lawyer, and I am not sure but what we may not have gone too far, we allowed the lawyer to sit beside the witness, freely coach him, talk to him at any time, and if there was any question of abuse, the lawyer could bring that question up. Is that correct?

Mr. COHN. That is absolutely correct, sir. I think the rights given to witnesses before this committee were greater than witnesses would have in a court of law or before a grand jury. I think, sir, that you did a good number of things and everything humanly possible to see that the rights of witnesses were completely protected, and I know that the record contains statements, even in the case of lawyers for some fifth-amendment Communists, congratulating you and the committee on the fair manner in which the hearing had been conducted.

Senator McCARTHY. Mr. Cohn, we have always heard some people talking about a one-man investigating committee. Is it not correct that in almost every instance the Senators on the Republican side had enough interest in this that they had either representatives there or they requested that at night they get a résumé of what went on during the day?

Mr. COHN. Sir, yes. The situation is this on that. I know that Senator Mundt, Senator Dirksen, and Senator Potter were in frequent attendance at both informal, formal, executive sessions, and public sessions of the committee. I know when they could not be here, almost always they had some member of their office present in order to carry to them an immediate and first-hand report of what transpired. I know sir, if I might answer on this, that in addition to that, we furnished to those Senators summaries, frequently, of what had transpired if a meeting were missed due to other Senate business. I further know, sir, that in addition to the regular committee responsibility, Senator Mundt, Senator Dirksen, and Senator Potter each sort of spearheaded a very important investigation of the subcommittee, Senator Mundt the one of Communists—

Senator MUNDT. The Senator's time has expired.

Mr. Welch, you have 10 minutes.

Mr. WELCH. I can't see the witness, Mr. Stenographer.

Mr. COHN. It takes quite awhile to get around to me, I observe, this morning. Mr. Cohn, my mail and my telegrams reflect, sir, that you are held in a gratifyingly high esteem in this country. There apparently are a good many people who think that I was unfair to you yesterday. Would you kindly set them abreast, if you could, by saying I was fair?

Mr. COHN. Sir, I would say the first part of your statement encourages me very much. As far as the second part is concerned, Mr. Welch, I will certainly say you are a very vigorous and a very able lawyer and cross-examiner, with much more experience, and I am sure much more ability than I happen to have. I am sure you are doing your job as you see it, sir.

Mr. WELCH. Right. Well, would you mind picking up my word "fair"? Would you say I was fair?

Mr. COHN. Mr. Welch, the only trouble we ever have is when you ask me to pick up your words. I am sure, sir, you did not mean to be unfair to me.

Mr. WELCH. And, Mr. Cohn, may I say to you now that if, in my zeal—and I guess all trial lawyers are always a little zealous—if in my zeal I seem to be a little unfair, would you kind of wave to me and say, "Mr. Welch, I think you are unfair." Would you do that?

Mr. COHN. Yes, sir.

Mr. WELCH. That was on the other side. Some people wired in and wanted to know why I didn't tear you limb from limb. Well, would

you tell them, as I guess you have, that it isn't as if I was fairly vigorous?

Mr. COHN. I will tell them that you tried to tear me limb from limb, sir; yes, sir.

Mr. WELCH. That ought to make all of my friends or whatever number I have got seem satisfied.

Mr. Cohn, I determined that I was going to come into the room this morning when you and I were both fresh, and where we wouldn't quarrel with each other at all, and discuss a thing that I think is of some importance. That is the exchange between you and Senator Dirksen yesterday about the loyalty boards and your contention in respect to them. I am going to read a little from the record, but I want to assure you that I am not going to say is that true or false or anything like that; I just want to remind you of some things that you have said as a basis of what I want to discuss with you.

Mr. COHN. Perfectly fine.

Mr. WELCH. On page 4795 Senator Dirksen says, speaking about when your committee work may start again:

You, as chief counsel, would have some estimate of the work that will be undertaken as soon as the regular investigating committee gets under way?

Answer:

Yes, sir.

Question:

What in your judgment would be among the first of the things to which you would address yourself?

You named more than one thing, but I want to call attention to this one:

I would say one of the first things would be this loyalty board question.

Senator DIRKSEN. Inasmuch as the loyalty matter is pending at the present time, it can be considered, I take it, as unfinished committee business?

Mr. COHN. No doubt about it, sir.

Senator DIRKSEN. On that basis, it would require no initiatory action, further action, on the part of the committee?

Mr. COHN. The request of the Army or Mr. Adams to produce those people has been standing for some period of time. It still stands. It has never been withdrawn. That is a matter of pending business for this committee.

Senator DIRKSEN. And the authority to issue subpoenas lodges in the hands of the chairman unless, I take it, by action of the full committee, that should be impaired?

Mr. COHN. That is right, sir.

Senator DIRKSEN. So that if those subpoenas were actually issued for the members of the loyalty board, what do you anticipate by way of a difference of opinion between the Army and the committee as to whether or not, (1) the members must respond to the subpoena, (2) whether they can testify on matters involving inferior loyalty boards and the action that was taken?

Mr. COHN. I am afraid, sir, the difference is such that there would be another collision.

Senator DIRKSEN. You would anticipate that that kind of a collision might bring some people back into this committee room?

Mr. COHN. If it follows the pattern as this, sir, I suppose it would; yes, sir.

Now, Mr. Cohn, I just want to chat with you a moment about that and in all friendliness, because this is a point where lawyers can differ isn't it?

Mr. COHN. What is that, sir?

Mr. WELCH. The point as to what is correct procedure in respect to calling and examining members of loyalty boards.

Mr. COHN. No, sir.

Mr. WELCH. You think the opinion of the country is unanimous?

Mr. COHN. I don't know if the opinion of the country is unanimous, r. If you ask me from a legal standpoint do members of a loyalty board have any immunity from a duty to appear before a congressional committee, my answer to you would be that I don't think it is even close.

Mr. WELCH. There are first two things to discuss. The first thing whether or not, if a subpoena is served on them, they have to come up, take off their hats and sit down and say, "Here I am." That is question A, isn't it?

Mr. COHN. Yes, sir.

Mr. WELCH. On that point, you say there can be no doubt. They have to respond and take the witness chair.

Mr. COHN. Yes, sir.

Mr. WELCH. Mr. Cohn, I don't count myself a great constitutional lawyer, and although there is a difference of opinion, I believe, on that point, may I vote the "Cohn ticket" on that one.

Mr. COHN. Yes, sir.

Mr. WELCH. I think they ought to come up and set themselves in the witness chair.

The next point is, if I understood your colloquy with Senator Dirksen, it is your belief, sir, that you may properly then examine them on their conduct as loyalty board members?

Mr. COHN. Yes, sir.

Mr. WELCH. And that in instances where they have, as you have said it in this room, cleared Communists, you as counsel for this committee and the committee has the right to inquire into that action on their part?

Mr. COHN. Yes, sir.

Mr. WELCH. So if you find that a loyalty board has passed on the question of a possible subversive or security risk and, as you put it, have cleared him, you may ask the loyalty board their reasons for doing so?

Mr. COHN. We may ask that, sir, yes.

Mr. WELCH. And you may put the loyalty board member on the stand and inquire fully as to that full case——

Mr. COHN. Yes, sir.

Mr. WELCH. And what the evidence was before him? Is that right, sir?

Mr. COHN. We certainly can ask that, sir.

Mr. WELCH. All the evidence that was before him?

Mr. COHN. Yes, sir.

Mr. WELCH. All the reasons that moved him to decide one way or the other?

Mr. COHN. Yes, sir, I say all the reasons that moved him deciding one way or the other. We certainly could ask questions about what evidence had been presented and whether or not they didn't have certain evidence showing the man was a Communist.

Mr. WELCH. That is right.

Mr. COHN. Yes, sir.

Mr. WELCH. In the event you reached the conclusion that the loyalty board member which you have under discussion has decided the case

wrongly, you can make that quite apparent, if it is an open hearing, to the public?

Mr. COHN. Mr. Welch, I am trying to go a long way in giving "Yes" or "No" answers. My answer to that is "Yes, sir," but there are a lot of ramifications to the questions and the answers which we could obtain. There are a lot of fields in which we could clearly answer, and there are some about which there might be question.

Mr. WELCH. I am only trying to point out, Mr. Cohn, the views that you have as a lawyer and as chief counsel for this committee, and to get before us the plan that you have about examining members of loyalty boards, so that we will understand what the problem is.

Mr. COHN. Yes, sir.

Mr. WELCH. How much time have I?

Senator MUNDT. How much time? Two minutes.

Mr. WELCH. I take it that if, after an examination of this loyalty board member in respect to any case where there is a Communist, as we put it, or a subversive or a security risk has been cleared, you would of course—strike that out.

In the event that you developed a situation where you disagreed with a decision of the loyalty board member, you would then feel free to call the accused or the person who was under suspension?

Mr. COHN. No, sir, it doesn't quite work that way usually.

Mr. WELCH. I didn't ask you whether it works that way. Would you feel free to call them?

Mr. COHN. I would feel free to call the accused before we called in the members of the loyalty board. In other words, before we would call in the members of the loyalty board, we would examine the people who had been cleared.

Mr. WELCH. Yes; but there is no trouble putting it the other way around, either; is there? You could call the loyalty board member first and then, if you wished, call the man that he was dealing with afterward and examine him?

Mr. COHN. I would say, sir, it would be putting the cart before the horse.

Mr. WELCH. I am only talking about legal principles involved. It might be an awkward way to do it, but there is nothing to prevent it?

Mr. COHN. No, sir; legally, no.

Mr. WELCH. In the event you first examined the loyalty board member and found yourself in violent disagreement as to what he had done in respect to somebody, it would be perfectly legal, as I understand it, for you then to call the person with whom he had dealt and examine him yourself?

Mr. COHN. It would be legal, sir; yes, sir.

Mr. WELCH. And proper for you to do so?

Mr. COHN. Yes, sir.

Mr. WELCH. My next question is: Suppose, when you have that loyalty board before you and you were to say to him, "And by the way, Mr. Snooks," assuming that was his name—"By the way, have you anything pending before you now?" It would be all right to ask him that, too?

Mr. COHN. Whether he had anything pending?

Mr. WELCH. Pending; undecided.

Mr. COHN. I can think of circumstances under which that would be proper; yes, sir.

Mr. WELCH. Yes. So you could pick up his docket of undecided cases?

Mr. COHN. I can think of circumstances under which that would be proper. Ordinarily, I don't imagine we would.

Mr. WELCH. The circumstances would depend upon whether or not you thought it was proper; isn't that right?

Mr. COHN. It might depend on this, sir: If you found evidence that the man himself had a Communist-front record and that he had been consistently clearing Communists, I think I know Senator McCarthy well enough to know that the next question might very well be, "How many loyalty panels are you sitting on right now?"

Mr. WELCH. Right; and "How many cases have you got before you that are partially heard?"

Mr. COHN. He might ask that; yes.

Mr. WELCH. And you have no difficulty about the propriety of those questions?

Mr. COHN. I have no difficulty about the propriety of his being asked, sir.

Mr. WELCH. And no difficulty about your ability to force the loyalty board member to answer those questions?

Mr. COHN. There might be difficulty there, sir.

Mr. WELCH. There might be difficulty?

Mr. COHN. Yes, sir.

Senator MUNDT. Your time has expired.

Senator DIRKSEN?

Senator DIRKSEN. Mr. Welch, were you going to continue this afternoon because I think very properly speaking, one question that I believe you ought to pursue is—

Mr. WELCH. I will try to think of all that I should pursue, Senator. If I miss any of them I am sure you will pick them up.

Senator DIRKSEN. I would much rather that you picked them up.

Mr. WELCH. You tell me on the way out and I will probably ask them.

Senator DIRKSEN. It relates of course to the quasi-judicial character of the members of the loyalty screening board and whether or not they would come within the interdiction of an Executive order or Presidential order because I think that that is a part of this thing.

Mr. WELCH. I think, Senator Dirksen, you and I and the witness are discussing a grave and important constitutional question. I might say that I don't know whether you are going to agree with Mr. Cohn's views or not, but if you would like to know what mine are, for whatever they are worth, I don't happen to agree with Mr. Cohn.

Senator MUNDT. We stand in recess until 2 o'clock.

(Whereupon at 12:40 p. m. the committee recessed, to reconvene at 2 p. m. the same day.)

APPENDIX

EXHIBITS

No. 32

ASSISTANT SECRETARY OF DEFENSE,
INTERNATIONAL SECURITY AFFAIRS,
Washington 25, D. C., May 31, 1954.

HON. KARL E. MUNDT,
United States Senate, Washington, D. C.

DEAR SENATOR MUNDT: I have seen a copy of the letter dated May 28 to you from Senator McCarthy in which he states that when he takes the stand he will be ready and willing to answer any questions put to him with respect to what he calls the Hensel matter. I assume by this reference that he means the charges which he made against me before this subcommittee in his answer filed on April 20, 1954, and which were dismissed on the merits by the subcommittee on May 26, 1954, without objection by him.

I have branded as false and malicious each and every one of the charges made against me by Senator McCarthy and I repeat that statement again. This applies first to the charges that I tried to impede this subcommittee's investigation and discredit it, and that I was motivated in so doing by a desire to block a purported investigation of me by Senator McCarthy. It applies equally to the charge made with respect to my business activities in World War II, which this subcommittee and its counsel have ruled (see Record, p. 1830) is incompetent, irrelevant, and immaterial in this proceeding, and as to which it has been stated that the subcommittee will not permit any testimony.

Despite the fact that the charges against me have already been dismissed, it is my earnest hope that the subcommittee will compel Senator McCarthy fully to disclose the fact that his charges against me have no foundation. If he testifies concerning them, either under direct or cross-examination, I request that Mr. Frederick P. Bryan, my counsel, shall have the right to cross-examine him on this subject in the interest of fairness and justice.

As stated to this subcommittee by Mr. Bryan on May 26, I am ready and willing to appear and testify as a witness at any time in this proceeding. If, after the conclusion of Senator McCarthy's testimony, this subcommittee does not again dismiss the charges against me on the ground that they are without foundation, or Senator McCarthy does not withdraw such charges with a confession of error, I demand the right to take the witness stand so that I can demonstrate under oath the falsity of such charges. I assure this subcommittee that there is nothing in the letter from the President of the United States to the Secretary of Defense (see Record, pp. 3090-3092) which will prevent me from testifying as to all relevant facts.

Finally, I am advised that, at the executive session of this subcommittee held on May 17, 1954, in room 357 of the Senate Office Building, Senator McCarthy made statements which were stenographically recorded and which indicate that there is no basis for his charges against me. I request that I be supplied with a copy of the minutes of that executive session. If for any reason the subcommittee does not care to make public the entire proceedings of that session, I earnestly request that I be supplied with a transcript of all remarks made by Senator McCarthy with respect to this charges against me, including the information behind, and the basis for, such charges. It is only fair that I should be entitled to at least this portion of such minutes.

Very truly yours,

H. STRUVE HENSEL.

JUNE 2, 1954.

HON. H. STRUVE HENSEL,
Assistant Secretary of Defense,
Washington 25, D. C.

DEAR MR. HENSEL: Your letter of May 31 was delivered by hand to my office yesterday morning but due to the pressure of our committee activities, I did not have an opportunity to go over it until I read it in the afternoon issue of the Evening Star. Since it was in the nature of a public letter, it is of course unnecessary for me to call it to the attention of the other members of the subcommittee since I am sure that they also read the news release.

The fact that our subcommittee has dismissed you as a principal in the controversy which we are now endeavoring to adjudicate does not, of course, mean that you are prohibited from appearing before us as a witness. Certainly, if sworn charges are made against you by Senator McCarthy or anybody else during the course of this investigation, your counsel will not only be given the opportunity to interrogate such witnesses, but, if you so desire, you can also appear as a witness. It is my understanding, however, that none of the scheduled witnesses have in mind making any sworn charges which would involve you as an important entity in this controversy.

It was on this basis and upon the recommendation and with the concurrence of your counsel, Mr. Frederick P. Bryan, that the committee voted to dismiss you as a principal and a witness so that you could devote yourself to your important duties in the Department of Defense without the necessity of having to follow the hearings and be represented at the committee table by your counsel.

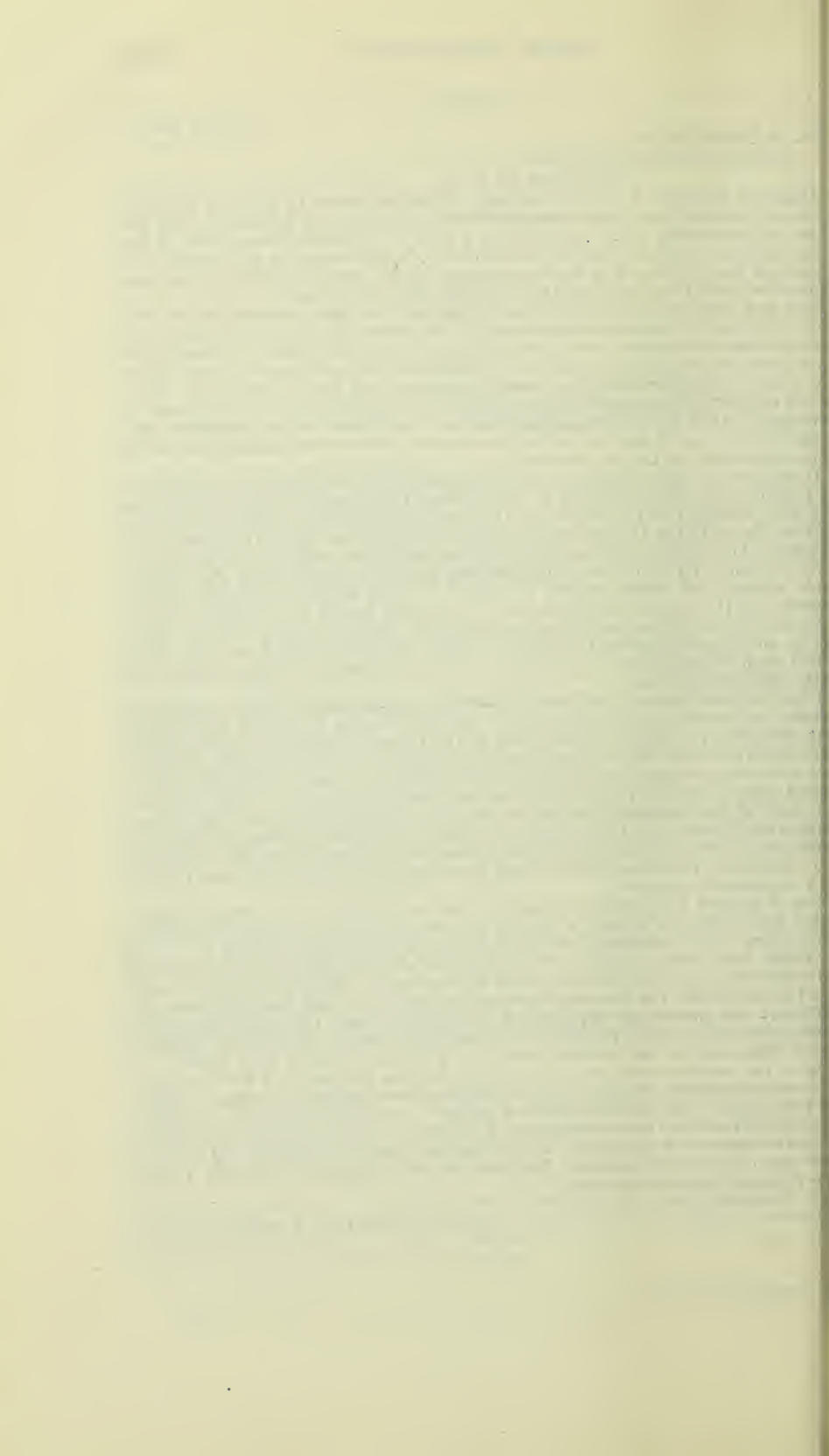
As you correctly state, the committee had previously agreed that the charges made against you which related to certain of your business activities during World War II were not an appropriate or relevant matter to be brought before our special investigating subcommittee since such charges involved factors which are in no manner connected with the specific controversy which we have been called upon to adjudicate. Consequently, we have ruled them out as irrelevant to the dispute before us.

I can well appreciate your desire to defend yourself against those charges, of course, and would respectfully suggest that if you want to correct and clarify that situation, you might appeal either to the House Committee on Government Operations or to the Senate Armed Services Committee with a request that they give you the opportunity to answer those charges in the event Senator McCarthy should elect to present them officially before such a committee. Since they are not part of the material with which we are engaged, our committee cannot appropriately pass upon them, and since Senator McCarthy, himself, is chairman of the regular Senate Investigating Subcommittee, it would seem that one of the two committees I have suggested could more consistently be called upon to deal with that specific problem.

I shall present your request at an executive session of our subcommittee indicating you would like to have a copy of the conversations recorded at the executive session of our subcommittee which was held in room 357 on May 17. I do not recall from memory just what was or what was not said in your connection at that meeting, but I can assure you as one member of the subcommittee, I shall vote to make public the transcript of what transpired at that meeting. Senator McCarthy has previously requested in open session that the transcript of the executive session of May 17 should be made public and the Republican members of my subcommittee indicated at that time that they favored such action. In view of the request made by both you and Senator McCarthy, I feel confident that our Democratic colleagues will also support these requests by voting to make the transcript of this executive session public. You will understand, of course, that as chairman of the subcommittee, I do not have the authority to make the executive session conversations public unless and until I am authorized to do so by a vote of my subcommittee. You have my assurance, however, that I shall vote favorably on your request.

Cordially yours,

KARL E. MUNDT, *United States Senator.*



INDEX

	Page
Acting Director (Public Affairs Office, High Commissioner of Germany) ..	1988
Adams, John G.	1960, 1962, 1963, 1966, 1967, 1971, 1973, 1974, 1976, 1985, 1992
Air Force (United States)	1976, 1981
Air Force base	1976
Albany, N. Y.	1972
Armed Forces industrial security regulations	1981
Armed Services Committee (Senate)	1964, 1997
Army (United States)	1956-
	1959, 1961, 1966, 1974-1978, 1980-1982, 1985-1989, 1992
Army Says McCarthy Uncovered No Spying in Monmouth Inquiry" (press release)	1977
Army Signal Corps	1977, 1978
Assistant Secretary of Defense	1996, 1997
Attorney General of the United States	1973
deLieu, Colonel	1973
ell, Jack	1975, 1976
igart, Homer	1977
lount, Lieutenant	1973
oston lawyer	1969
ryan, Frederick P.	1996, 1997
arr, Francis P.	1969, 1974
entral Intelligence file	1982
ivil Service Commission	1981
ohn, Roy M., testimony of	1956-1995
ommittee on Armed Services (Senate)	1964, 1997
ommittee on Government Operations (House)	1964, 1997
ommittee on Un-American Activities (House)	1981
ommunist conspiracy	1988
ommunist infiltration in the Army	1985
ommunist Party	1973, 1980, 1981, 1983-1989, 1991, 1993-1995
ommunists	1973, 1980, 1981, 1983-1989, 1991, 1993-1995
ongressional Library	1980
onlin, Bill	1980
ounselor to the Army	1960,
	1962, 1963, 1966, 1967, 1971, 1973, 1974, 1976, 1985, 1992
Department of the Army	1956-
	1959, 1961, 1966, 1974-1978, 1980-1982, 1985-1989, 1992
Department of Defense	1980-1984
Department of Justice	1978
ick	1972
irkson, Senator	1972, 1973, 1991-1993
isenhower, President	1963
urope	1965, 1988
vening Star (Washington, D. C.)	1997
xecutive directive	1968
xecutive order	1995
BI (Federal Bureau of Investigation)	1981, 1987
ederal Bureau of Investigation (FBI)	1981, 1987
ederal Communications Act	1969
ederal Register (October 14, 1953)	1981
ifth-amendment Communists	1991
ort Dix	1957-1959, 1975
ort Monmouth	1977-1979, 1985, 1986
ermany	1988
overnment Operations Committee (House)	1964, 1997
ensel, H. Struve	1963-1966, 1996, 1997

	Page
Hensel case	1962
High Commissioner of Germany (Acting Director)	1982
Hiss, Alger	1982
Hiss trial	1980
Horowitz, Mr.	1963
Hotel Ten Eyck (Albany)	1972
House Committee on Government Operations	1964, 1997
House Committee on Un-American Activities	1981
Indochina	1987
International Security Affairs	1990
Justice Department	1978
Kaghan	1988, 1989
Karl	1972
Kennedy, Mr.	1956, 1957
Lawton, General	1962, 1963
Legislative Reorganization Act	1987
Library of Congress	1980
Loyalty boards	1974, 1984, 1992-1993
Lucas, Mr.	1970, 1971
McCarthy, Senator Joe	1956
1957, 1960-1966, 1969, 1971, 1972, 1974, 1976, 1977, 1979, 1983, 1984	
1988-1991, 1995-1997.	
McClellan, Senator	1956, 1957, 1970
McClellan motion	1970
Meet the Press (television program, March 14, 1954)	1975, 1976
Monitored telephone calls	1959-1963, 1967-1971
Mundt, Senator	1996, 1997
Navy (United States)	1987
New York City	1979, 1980
New York Post	1981
New York Times	1980
Pentagon	1966, 1968, 1981
Pentagon civilians	1961
Pentagon politicians	1960
Potter, Senator	1991
President Eisenhower's order	1961
President of the United States	1960, 1963, 1968, 1995, 1999
Presidential ban	1960
Presidential directive (May 17)	1961
Presidential order	1963, 1965, 1991
Press release	1971
Prewitt, Tom	1957
Public Affairs Office (High Commissioner of Germany)	1981
Rosenberg spy ring	1971
Schine, G. David	1956-1959, 1961, 1963, 1964, 1966, 1968, 1974-1976, 1981
Schine memoranda	1957
Seaton, Fred	1981
Second World War	1964, 1965, 1980, 1996, 1999
Secretary of the Army	1960
1962, 1963, 1966-1975, 1977, 1979, 1980, 1985, 1989, 1991	
Secretary of the Army's press conference	1971
Secretary of Defense	1991
Senate Armed Services Committee	1964, 1991
Senate of the United States	1981
"Several of the 33 Suspected Back in Jobs" (press release)	1971
Signal Corps (U. S. Army)	1977, 1978
South Dakota straw	1961
Spivak, Larry	1971
Stevens, Robert T.	1960, 1962, 1963, 1966-1975, 1977, 1979, 1980, 1985, 1989, 1991
Ten Eyck Hotel (Albany)	1971
Un-American Activities Committee (House)	1981
United Electrical Workers	1981
United States Air Force	1976, 1981
United States Army	1956-1959, 1961, 1966, 1974-1978, 1980-1982, 1985-1989, 1991
United States Army Signal Corps	1977, 1978
United States Assistant Secretary of Defense	1996, 1997
United States Attorney General	1971
United States Civil Service Commission	1981

	Page
United States Department of Defense-----	1980-1984
United States Department of Justice-----	1978
United States Navy-----	1981
United States President-----	1960, 1963, 1968, 1995, 1996
United States Secretary of Defense-----	1996
United States Senate-----	1984
J. S. News & World Report (March 19, 1954)-----	1974
Voice of America-----	1958
Washington, D. C.-----	1996, 1997
Wilson, Mr.-----	1982
World War II-----	1964, 1965, 1980, 1996, 1997
Wicker, General-----	1972, 1989, 1990



1887
Jan 1st
Feb 1st
Mar 1st
Apr 1st
May 1st
Jun 1st
Jul 1st
Aug 1st
Sep 1st
Oct 1st
Nov 1st
Dec 1st

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**SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY
OF THE ARMY ROBERT T. STEVENS, JOHN
G. ADAMS, H. STRUVE HENSEL AND SENATOR
JOE McCARTHY, ROY M. COHN, AND
FRANCIS P. CARR**

HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

S. Res. 189

PART 51

JUNE 3, 1954

Printed for the use of the Committee on Government Operations



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CONTENTS

Index -----	Page
Testimony of—	I
Cohn, Roy M., chief counsel, Senate Permanent Subcommittee on	
Investigations-----	2000

S

M
a
L
c
a

T
S

U
c
f

c
e

SPECIAL SENATE INVESTIGATION ON CHARGES AND
COUNTERCHARGES INVOLVING: SECRETARY OF THE
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

THURSDAY, JUNE 3, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

AFTER RECESS

(The hearing was resumed at 2:15 p. m., pursuant to recess.)

Present: Senator Karl E. Mundt, Republican, South Dakota, chairman; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will please come to order.

The Chair will begin once again by welcoming our guests to the committee room. We are happy to have you here to watch one of your governmental committees in action.

The standing rule of the committee has been announced many times by the Chair, but in the event there are people here today for the first time, which is undoubtedly true, the committee would like to remind you that we have a standing rule for this special committee investigation forbidding manifestations of approval or disapproval of any kind of an audible nature at any time.

The officers whom you see before you in uniform, and the plain-clothes men scattered through the audience, have been instructed by the committee to politely but firmly escort from the room immediately, without further instruction from the Chair, anyone who elects to violate the conditions under which he became the guest of the committee, namely, to refrain from audible manifestations of approval or disapproval.

The Chair would like to ask this one bit of indulgence. When his colleagues on the committee and the very gracious gentlemen of the television and radio and photography professions presented me with a birthday cake, it caught me completely by surprise. I think I neglected to thank them, which I would like to do with very heartfelt feeling at this time. I hope you will not misconstrue it when I say that while this is the first time I ever celebrated a birthday on television, I hope that we will not still be here at the time I have another birthday.

Mr. Jenkins, it is your time to begin with the interrogatories of Mr. Cohn, who is on the witness stand.

TESTIMONY OF ROY M. COHN—Resumed

Senator JACKSON. Mr. Chairman.

Senator MUNDT. Senator Jackson?

Senator JACKSON. I am wondering whether the Chair has received any reply from Mr. Seaton or the Department of Defense with reference to the information given to the committee by Senator McCarthy regarding the 130, is it, or the 135, alleged subversives or Communists—

Mr. COHN. It is 130.

Senator JACKSON. Working in defense plants. I think it is a very serious matter, and I do believe that Mr. Seaton or whoever the appropriate official from the Defense Department is, should explain why they do not want the list of these alleged subversives who are now supposed to be working in defense plants.

Senator MUNDT. The Chair will be happy to inquire of Senator McCarthy whether he has received any further word from the Pentagon. This was part of the business, I recall, Senator Jackson, to be conducted by the regular committee on investigations, so the Chair has not participated in any of these conversations with the Pentagon, but he will ask Senator McCarthy to find out what the status is at this time.

Senator JACKSON. The question of course, however, Mr. Chairman, is pursuant to the motion adopted by the committee and therefore is most relevant to this inquiry.

Senator MUNDT. The Chair agrees that it is relevant but simply points out it is an official act of business to be conducted by Senator McCarthy rather than the chairman of this special investigating committee.

Senator McCarthy, can you throw any light on the point raised by Senator Jackson?

Senator MCCARTHY. I will be glad to. Let me just briefly recite all the facts, if I may.

As the Chair knows, last night when the motion was made, I felt it was unnecessary, because I felt the Defense Department had all of this information in their files already, and was not doing anything about it. I felt that the action of the committee was advisory only, but I was glad to take the advice of the seven Senators. I had my office promptly call the Pentagon and Mrs. Driscoll said she talked to Mr. Seaton and told him that the information would be available if they would send someone over to get it. I had her contact Mr. Seaton again this morning and told her to tell him that I wanted the informa-

tion given with an official reporter present so that everything that was said would be taken down, so there would be an accurate record of what we gave to the Defense Department and all of the Senators could have that.

I told her, also, to inform the Defense Department that we would want the assurance that the rules of the committee would not be violated, namely, that the names of these people would not be made public unless and until they were given a chance to testify either before this committee or before a loyalty board. I was called out of the room about, I think, around 10:30 or 11 this morning, to receive a call at that time—I didn't talk to him, Mrs. Driscoll did—from Mr. Seaton. He said they had made no decision at that time as to whether or not they would accept this information from us.

I waited during the noon hour in my office, with the exception of a few minutes that I was out, and had instructed the young lady at the phone that if anyone from the Pentagon called to be sure and put them on right away so I could talk to them. There has been no further word from anyone in the Pentagon. So at this moment, I don't know whether they are going to accept the information or not. May I say that I want to make it clear that I was not giving them any deadline. I said this noon I would be glad to take time off at any time to give them the information.

Senator JACKSON. Senator, do I understand that you desire merely to turn over the names? I didn't quite get this point about having an official reporter present. Why not just give them the list of names, have them sign for it?

Senator McCARTHY. No; I think, Senator Jackson, that I would like to conduct this as the business of the committee, have an official reporter present so that everything I say to them, everything I give them is a matter of official record, so that every member of this committee will know exactly what the Defense Department got, so there can never be any argument about what we did or did not give them.

Senator JACKSON. You don't propose any interrogation of them at this time. It is just that you want to have the minutes and the transcript show that you turned over these names, is that it?

Senator McCARTHY. Yes. May I say, Senator, I want to give them—if they want the information, I can give them information other than merely the names.

I would rather not go into that now. I want all of that a matter of record, anything I give to the Department.

The only assurance that I want from the Department is that they will follow the rules unanimously adopted by this committee, namely that we do not reveal the names of any of these individuals who are accused until they have had a chance to be called, to be put under oath, either before this committee or before a loyalty board. That is the only assurance that I expect from the Pentagon.

Senator MUNDT. Very well.

Mr. Jenkins?

Senator McCARTHY. May I say, Mr. Chairman, that I have received calls over the noon hour from—I don't recall the exact number; I think 5, 4 at least—uniformed men in the Pentagon who just can't understand this failure to accept information which we offer them. They point out, as I have tried to point out so often, and as Mr. Cohn has tried to point out so often, that the difficulty in the Pentagon is

not with the uniformed men. The difficulty is with the civilians in the Pentagon.

Senator JACKSON. Mr. Chairman, in view of the seriousness of this charge, I would like to suggest that the Chair invite Mr. Seaton, or whoever the appropriate official might be in the Pentagon, to give the committee an explanation of this matter in the light of what has been said this afternoon and earlier today. I do think it is a very serious matter, and I think they ought in all fairness to give the committee an explanation.

I am surprised that they are not now forthcoming with some kind of statement. This matter has been made available to millions of American people, and if they want to stand idly by and not do anything about this, that is their business. But I think that in order to make the record complete, counsel to the committee or assistant counsel should call Mr. Seaton and advise him of what has transpired this afternoon and this morning in connection with these alleged 135 subversives. I am totally surprised that they are not here with an answer.

Senator McCARTHY. Would you yield for a minute? I hope, Senator, that I have not created the impression that Fred Seaton is in any way at all—his is not the job to make the decision. I know Mr. Seaton. I knew him as a Senator. I think that he is just as vigorously anti-Communist, as vigorously for getting rid of a few rotten apples in the barrel as any man on this committee or in the Pentagon. I hope by mentioning his name I do not create the impression that I think he personally is at fault.

Senator JACKSON. Senator, everything I know about Mr. Seaton is the best. He is an honorable gentleman. But I do not understand, Mr. Chairman, why the Pentagon would not be willing to receive and most anxious, if I may say, to receive the 135 names. I am completely surprised that they have no statement to make, especially in view of the fact that they have a division of public relations. If there was ever an opportunity to do something about public relations, it is right now.

Senator McCARTHY. I join my Democrat friend in that.

Senator McCLELLAN. Mr. Chairman.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. I think there is something about this which I don't think my distinguished colleague meant to imply. It is some of our business whether they are willing to respond and act on these matters. An impression is being created, whether intentionally so or not, that somebody high in the Pentagon is refusing to cooperate and to receive this information. I know of only one man in the Pentagon who is higher possibly than Mr. Seaton, and that is Secretary Wilson, Secretary of Defense.

I suggest, Mr. Chairman, that they be invited, either Mr. Wilson or Mr. Seaton, to appear here at 4 o'clock this afternoon and give some explanation.

Senator MUNDT. The Chair believes that in all fairness to the Pentagon—and I don't blame our Democratic friends for trying to needle them a little bit—they should be given some time, certainly, to consider the request which was presented to them apparently this morning.

Just a minute. The Chair has the floor.

If by the conclusion of this afternoon's session we have heard no word from them, the Chair would be very happy to undertake to

instruct our counsel to send them a transcript of what transpired here today and ask them to communicate to the committee their reaction. I think in simple justice to them, it is carrying needling a little bit too far to say, "Now you make up your mind and get this done by 4 o'clock this afternoon." The Chair would not be in favor of that.

Senator JACKSON. Mr. Chairman, may I say this: It is not needling. I might be accused of trying to help them in their public relations. Millions of Americans listened to the statement made by Senator McCarthy this morning and just now. The statement I think has some very serious implications. Do you mean to tell me that the Pentagon needs hours to determine whether they are going to receive a list of 135 people who are alleged to be subversives working in defense plants? What kind of a conference does that call for? I say if they don't understand simple public relations, then it is high time that they make some changes down there. I am doing it only in a spirit of trying to give them a fair opportunity to be heard, and if they need another day and if they need a copy of the transcript to answer a simple request that they receive 135 names, then I say there is something rotten in Denmark—I mean in the Pentagon.

Senator MUNDT. May the Chair say it is possible that down at the Pentagon they have read the old adage about being wary of Greeks bearing gifts.

Senator JACKSON. You are not implying that the Democrats are bearing these gifts?

Senator MUNDT. The implication, I think, would have to stand on its own merits.

Senator McClellan?

Senator McCARTHY. I have asked my office, incidentally, Mr. Chairman, to call the Pentagon at this moment and report to us if there has been any decision made. I will report that to the committee as soon as I get that word.

Senator McCLELLAN. Mr. Chairman, I was making the suggestion in an effort to be fair to the Pentagon, not to condemn it or to needle it. I have no interest other than to perform a public service, if we can do that. I think we are certainly entitled to know if we have in this administration in the Pentagon men in high places, not in uniform as referred to by the Senator from Wisconsin, who are not concerned about this. The quicker we can expose it, the better, if that is the truth.

But the implication has gone out here—I don't think any other inference could be drawn from what has been said other than that they are at least reluctant. I just can't conceive of a reluctance to get information of this character. I can't conceive of it. I don't want to be unfair to them. I simply want to give them the opportunity on this same forum, at this same place, to make their explanation of what the situation is. That is all I had in mind, and if the committee doesn't want to do that, it is all right with me.

Senator MUNDT. Senator Potter?

Senator POTTER. Mr. Chairman, I would say in all fairness to the Secretary of Defense, Charlie Wilson, he returned from Asia just a few days ago, and I presume that he has many engagements. There is the possibility that Mr. Seaton, who is Assistant Secretary in Charge of Liaison with the Congress, and who received the message from Senator McCarthy, hasn't been able to relay that message to the Secretary

of Defense. So before we become too critical of the Secretary of Defense, who I am sure you will agree with me hates communism as much as any member of this committee, we should find out whether he has received that message.

If they haven't this information, I am sure the Secretary of Defense will want to have it.

Senator JACKSON. Would the Senator yield?

Senator POTTER. I would be happy to.

Senator JACKSON. I understand they have television sets in the Pentagon.

Senator POTTER. I hope some of them are working.

Senator JACKSON. Apparently they are not, or if there are any rules of commonsense, they have lost that, too.

Senator MUNDT. Senator Symington.

Senator SYMINGTON. Mr. Chairman, inasmuch as you mentioned the word "Democrats," inasmuch as you are now full up with birthday cake, I would like to make an observation to clear the record with respect to any needling.

Yesterday in these hearings I mentioned that I was for the United States Army, completely biased for it. I believe it is the greatest army in the world. Pray God that it is from the standpoint of what is growing in the world today.

That doesn't mean that in any way I am for any particular person in the Army, starting at the top and working through the Army. Nor would it mean that I am for any particular person in the Department of Defense who supervises the Army, the Navy, the Air Force, and the Marines.

I would like to join with my Democratic colleagues, however, based on the information which the junior Senator from Wisconsin has given us, in expressing amazement that a particular high-ranking civilian official in the Pentagon feels it is necessary to have a conference before he finds out whether or not he should receive, as proffered to them, the names of Communists working on warwork. Thank you.

Senator MUNDT. Mr. Jenkins, do you have any questions for the witness?

Mr. JENKINS. Mr. Chairman, I have no further questions.

Senator MUNDT. The Chair has some, but in the interest of trying to expedite the hearings and giving Mr. Welch as much opportunity as possible to cross-examine, he will pass at this time and call on Senator McClellan.

Senator McCLELLAN. Mr. Chairman, I am interested in expediting the hearings, but I still have a few questions. It is just as well to get them in now as later.

Senator MUNDT. Yes, sir. You have 10 minutes.

Senator McCLELLAN. I believe, Mr. Cohn, when I previously questioned you, were were down to No. 13 of the document that we have been using.

Allegations or statements of facts, or charge, whatever we want to term it, No. 13 in your document?

Senator McCLELLAN. I read from the first sentence of that paragraph, and I quote:

Of no greater substance are the allegations against Mr. Cohn, chief counsel for the subcommittee, that he has used improper means to obtain preferential treatment for Private Schine.

That refers to the previous paragraph, of course. Do you state that is true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Then I skip, Mr. Cohn, to No. 15.

Mr. COHN. Yes, sir?

Senator McCLELLAN. And I quote from No. 15:

To further understand the bad faith in which this attack was suddenly launched, the relationship of Mr. Cohn and Mr. Adams must be placed in proper perspective. They were close personal and social friends.

Is that true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Very close?

Mr. COHN. Sir, I think the relationship has been described as best can be. A lot of people I have known a good deal longer and a good deal better than Mr. Adams. I met him first in October but after that we saw each other very frequently, both professionally and socially, and I think it could be said without defining language—

Senator McCLELLAN. How long was it after you knew him before you made or dictated this first memorandum that you have kept now as evidence?

Mr. COHN. Pardon me, sir?

Senator McCLELLAN. How long was it after that date when you say you first knew him that you made this first memorandum placed in the file against him?

Mr. COHN. Placed in the file against him, sir?

Senator McCLELLAN. Yes.

Senator McCARTHY. Mr. Chairman. I am going to leave and personally call Mr. Seaton and report back to you. If my turn comes up before I come back, I will let Mr. Welch take my time.

Senator MUNDT. Very well.

Senator McCLELLAN. Well, as I understand it, you first met him, I believe you said, October 2?

Mr. COHN. Yes, sir.

Senator McCLELLAN. When was it you dictated the first memorandum?

Mr. COHN. The first memorandum which I dictated, sir, was on the 6th of November, I believe.

Senator McCLELLAN. The 6th of November?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Were you still at that time close, personal and social friends?

Mr. COHN. I think you could say, sir, yes.

Senator McCLELLAN. All right. Now, you go on further in this statement and say that, "during most of the period involved," and I assume you mean during the period up until the time that he called you and you declined any further social friendship with him—

Mr. COHN. Well, I meant during most of the period involved, sir.

Senator McCLELLAN. It says here, "During most of the period involved," and the period involved, I assume, is between October 2 and that last call he made to you. Would that be the period involved?

Mr. COHN. Sir, I would say that there was a definite slackening off during—

Senator McCLELLAN. I understand that. But I am talking about what does "period involved" mean?

Mr. COHN. I would say October, November, and December.

Senator McCLELLAN. October, November, and December?

Mr. COHN. Yes, sir.

Senator McCLELLAN. "During most of the period involved they were in communication personally, telephonically, as often as dozens of times a week. They worked and socialized together day after day."

Mr. COHN. That is right.

Senator McCLELLAN. You state that is true for the month beginning October 2nd, the time you met him, on through the month of December?

Mr. COHN. I would say so, sir. There were periods, of course, when we did not have hearings, and we were not together for a week or 2 weeks. But there were many periods, sir, when we were together day after day.

Senator McCLELLAN. When did this social and friendly relationship begin to deteriorate?

Mr. COHN. I would say, sir, it deteriorated, it ended, after the events of January—

Senator McCLELLAN. I didn't say ended. When did it begin to deteriorate?

Mr. COHN. I would say, sir, January—there was not too much of a question of deterioration. I would say there was a sudden end.

Senator McCLELLAN. Well, it hadn't deteriorated until it suddenly ended?

Mr. COHN. I would say that was correct; sir, yes.

Senator McCLELLAN. It was not beginning to deteriorate on November 6 when you dictated the memorandum?

Mr. COHN. Yes, sir.

Senator McCLELLAN. You were still good friends?

Mr. COHN. That is right.

Senator McCLELLAN. Were you still good friends at all times thereafter until the latter part of December, even though you may have dictated these memoranda?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Then I go down to No. 16. We will get back to those.

No. 16, I quote the last sentence:

Secretary Robert T. Stevens then communicated with the chairman and commenced a series of efforts to interfere with the investigation, to stop hearings, and to prevent various of his appointees from being called by the subcommittee.

Is that true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. By appointees, do you mean in that charge do you mean the loyalty board?

Mr. COHN. No, sir; I do not limit it to that.

Senator McCLELLAN. What others? That is what I am trying to clear up.

Mr. COHN. There were a number of others, sir.

Senator McCLELLAN. Can you name them?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Name them. I am trying to identify them. I assumed you meant the loyalty board, too, members of that, and who else?

Mr. COHN. Members of the loyalty board would be included. There were other people, sir.

Senator McCLELLAN. Who are the others?

Mr. COHN. There was a question of General Partridge being called in public session. I might say on that I agreed with Mr. Stevens that the public interest would be served by not having him in public session at that time. There was——

Senator McCLELLAN. All I am trying to do is identify what you mean, who you included.

Mr. COHN. General Reichelderfer, a man named——Do you want me to go over all the names, sir?

Senator McCLELLAN. Yes, at least a few of them, so we get a few of them——

Mr. COHN. General Reichelderfer would be a good name, sir. There was another gentleman who was connected with the Coleman case. I would rather not give his name because I am not positive of it——

Senator McCLELLAN. That is all right.

Mr. COHN. I can send a note up to Mr. Welch and he can get the name exactly for me.

Senator McCLELLAN. I am not trying to be too exact. I am trying to find out what he withheld, what he was trying to withhold. Did it also include those who may have been responsible in the Peress case?

Mr. COHN. Yes, sir.

Senator McCLELLAN. It would include those?

Mr. COHN. Yes, sir.

Senator McCLELLAN. And he refused—in this you mean, in the charge, that he refused to let those be examined or appear before the committee?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Well, you had been calling for that information?

Mr. COHN. Yes, sir.

Senator McCLELLAN. And that is a part of the refusal to which you refer there?

Mr. COHN. Yes, it is; Senator.

Senator McCLELLAN. All right.

Now let's look down to No. 18. Before we leave 16, you state that is positively true?

Mr. COHN. Yes, sir; I do.

Senator McCLELLAN. No. 16.

Now, No. 18:

On or about September 21, September 28, October 2, 1953, and as a further step in these attempts to interfere with the investigation, Mr. Stevens impounded the Chairman and personnel of the committee not to require Major General Richard C. Partridge, Chief of Intelligence under Secretary Stevens' administration, to testify in public sessions concerning his responsibility for use of Communist line textbooks by the Army and his lack of qualifications to hold

the intelligence command due to his admitted unfamiliarity with the Communist probe.

Is that true?

Mr. COHN. Yes, sir. I want to point out on that point that the Secretary did not want us to call him. However, in fairness to the Secretary, he never said he would not produce him. He made it very clear that if we pressed the point, he would produce him, and produce him whenever the committee wanted him to appear.

Senator McCLELLAN. Well, then, as I understand, that charge, the only difference there was a difference in opinion as to whether he should be heard in public or in executive session, is that correct?

Mr. COHN. Well, sir; he had already been heard in executive session and the question was, No. 1, should he be heard in public session, and if so—

Senator McCLELLAN. He had not objected to the executive session hearings?

Mr. COHN. Well, it just wasn't that way, Senator. General Partridge came over to the executive session and then became a witness. I don't think that Mr. Stevens knew in advance that General Partridge—

Senator McCLELLAN. All right. He had already testified in executive session?

Mr. COHN. Yes, sir.

Senator McCLELLAN. And the only difference in opinion here was whether he should then be called in public session; is that correct?

Mr. COHN. That is correct, sir.

Senator McCLELLAN. Let's go to No. 19.

Mr. COHN. Yes, sir.

Senator McCLELLAN. It reads:

After mid-September when the chairman directed open hearings on Communist infiltration in the Army, Mr. Stevens named John G. Adams to the post of Army Counselor for the principal purpose of—

and I quote—

handling the committee—

Mr. COHN. That is right, sir.

Senator McCLELLAN (reading):

and persuading it to cease its investigation of Communist infiltration in the Army.

Is that true or not true?

Mr. COHN. That is true, sir.

Senator McCLELLAN. May I ask one other question hurriedly?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Do you charge now that that was the only reason and the principal reason or purpose for which Mr. Adams was appointed, to "handle the committee"?

Mr. COHN. No, sir; I don't say it was the only reason. There was a vacancy in the post of Department counselor. I do say, sir; that according to Mr. Adams' own statement to us, the principal reason for which he was chosen and his principal assignment was that of handling the committee.

Senator McCLELLAN. I am sorry my time is up. We will come back to it a little later.

Mr. COHN. Yes, sir.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Mr. Cohn—and Mr. Welch, may I invite your attention and suggest that you freely intrude anywhere in what examination I make, because I want to resume the matter that you alluded to this forenoon. When so many of the inconsequential things in connection with this proceeding have long since been forgotten, we shall still have to recur to what is before us in the charge and in the answer. The charge, of course, is improper influence. The answer is a denial, plus the assertion that it was done for a purpose. The purpose was to discredit, to discontinue, to derail the investigation. That is the language that is set up in the answer.

Mr. COHN. Yes, sir.

Senator DIRKSEN. If and when the activities of the committee are resumed and the subpoenas are issued for members of the loyalty and screening board and there is a conflict of opinion as to whether or not they can be called, we will be right back where we started and we will be confronted with the residual question which I think this committee is going to have to answer.

Mr. COHN. There is no doubt about it, sir.

Senator DIRKSEN. Mr. Cohn—I direct this also to Mr. Welch—I thought there was agreement this morning that it is within the purview of this committee to subpoena the members of the loyalty and screening board and that they must respond. I believe we had agreement on that this morning, did we not?

Mr. COHN. Yes, sir.

Senator DIRKSEN. And when they come they can be very properly questioned about a host of matters, and in the statement which appears in the executive hearings when Mr. Adams appeared some months ago, the chairman made it rather manifest that, among other things, he was going to ask about graft and corruption, and so forth.

Mr. COHN. That is right, sir.

Senator DIRKSEN. On these matters there can be no doubt that they can properly testify, I take it?

Mr. COHN. There is no doubt that it is founded in law or in reason, sir.

Senator DIRKSEN. I think also, Mr. Cohn, that is in accord with the opinion that was circulated here that ostensibly came from the Department of Justice, although I am not sure.

Mr. COHN. You are absolutely correct. The last paragraph of that opinion so states.

Senator DIRKSEN. Now we come to the crux of the question, and that is this: If they are subpoenaed and if they do appear in a hearing room and the committee chairman or the counsel undertakes to examine into the actions of members of the loyalty board with respect to review of the action taken by an inferior board, then the question is, can they respond? Before I will ask you to answer, I will at least throw an opinion out on the table, and that is this: There has been reference to members of the board as occupying a quasi-judicial capacity—that is one theory—and that in that capacity they are rendering a quasi-judicial function. On the other hand, I am inclined to the belief that you cannot clothe them with judicial capacity; that they remain administrative officers in the administrative branch of the Government, and that in reviewing the loyalty findings by inferior boards they are performing an administrative function.

At that point the question is: Can they then be summoned, regardless of a Presidential directive or otherwise, and compelled to testify with respect to their actions in reviewing as administrative officers what was done by an inferior board?

Do you have an opinion on that, Mr. Cohn?

Mr. COHN. Yes, sir.

Senator DIRKSEN. Would you recite your opinion to the committee?

Mr. COHN. My opinion, sir, is that the entire set-up in the national interest would require that they be summoned and required to answer questions along these lines, and that their role be deemed that of an administrative officer and not that of a judge operating under rules of law which do not exist for loyalty boards.

Senator DIRKSEN. I think, Mr. Chairman, that is all for the moment, unless Mr. Welch wants to put something in.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Mr. Cohn, I would like to revert to our true-false interrogation.

Mr. COHN. Yes, sir.

Senator JACKSON. To go back to the question that we passed over, and you were correct, it should have "committee" in it, and I will repeat it for the record—on Meet the Press on March 14, 1954, you answered a question of Mr. Bell by stating, and I quote:

The only communication we had with the Army about Schine when he was down at Fort Dix was pursuant to our arrangement that after his training was over at the end of the day and over weekends when he was doing no training he would, instead of recreational activities, devote himself to committee work, and that was the only purpose of any communication we had with the Army while he was at Fort Dix.

End of quote.

Is that statement of yours true or false?

Mr. COHN. Yes, sir. The only word I might want to change is "while" to "about," discussions about the Fort Dix matter.

The only discussions we had about his training down at Fort Dix was in connection with finishing up subcommittee work.

Senator JACKSON. As I read it, isn't that directly from the transcript?

Mr. COHN. You mean what I said on Meet the Press? Yes, sir.

Senator JACKSON. I mean as I read it.

Mr. COHN. Yes, with the amendment I suggested this morning, it is exactly correct.

Senator JACKSON. You want to amend instead—as I have it here, "devote himself to committee work, and that was the only purpose of any communication we had with the Army"—now what do you want to change?

Mr. COHN. I would change "while he was" to "about."

Senator JACKSON. While he was about Fort Dix?

Mr. COHN. No, sir. Eliminate "while he was at" and put in "about."

Senator JACKSON. So it would be about Fort Dix.

Mr. COHN. Yes.

Senator JACKSON. What is wrong with "while he was at Fort Dix"?

Mr. COHN. Because, sir, there was discussion probably during that period of time about his assignment. After basic training, and there having been that discussion would make what I said here inaccurate.

Senator JACKSON. So you are modifying the answer to Mr. Bell

as you have indicated, namely, you strike out "while he was at" and insert "about Fort Dix"?

Mr. COHN. I think that would be true.

Senator JACKSON. That statement then would be true as modified?

Mr. COHN. Yes, sir.

Senator JACKSON. So your answer to the statement as modified by you is that the statement is true?

Mr. COHN. Yes, sir.

Senator JACKSON. I believe at the close of the last go-around, I put to you the question, and I state it again—I don't believe we quite finished it—the statement you made on Meet the Press on March 14 in answer to Jack Bell that you never used vituperative language in your dealings with the Army officials. Is that true or false?

Mr. COHN. In my opinion the statement that I used vituperative language is false. As I have explained as many times as I can, sir, I think the language I used is the same as anybody else uses. There might be an occasional word which I would not want to repeat on television.

Senator JACKSON. Some of those words, then, would be vituperative, wouldn't they?

Mr. COHN. Sir, it is awfully hard to say. What to me might not be vituperative, to a very sensitive soul might be vituperative. What to me might be vituperative, to somebody else who uses more cuss-words than I do might not be very vituperous.

Senator JACKSON. In the light of the behavior of the recipient of the language would you say that the behavior would indicate acquiescence and agreement in the language or would you say that the behavior indicated a rather aroused reaction of resentment?

Mr. COHN. I would say Mr. Adams never seemed overly shocked at anything I said.

Senator JACKSON. How about the language used in the presence of Colonel BeLieu and others? Did he appear to be agreeable to it?

Mr. COHN. You mean about——

Senator JACKSON. At the incident at Fort Monmouth, the now famous incident.

Mr. COHN. You mean about they let Communists in and they kept us out?

Senator JACKSON. That is right, and that you had access—and that you had had access, I believe, according to your statement, to FBI files.

Mr. COHN. Sir, there might be a difference there. I would not regard any of that as vituperative or obscene language.

Senator JACKSON. Would you say that it was strong and rather inflated language?

Mr. COHN. Well, maybe a lot of what I say is inflated, sir, and a lot might be strong. But I don't regard it as vituperative or obscene.

Senator JACKSON. Do you describe it as sort of animated conversation?

Mr. COHN. Sure, that is fine.

Senator JACKSON. No obscene language was used?

Mr. COHN. No, sir. I don't know anything that has been testified to in this room which I would call obscene language; no, sir.

Senator JACKSON. I thought some of it you didn't want used on television.

Mr. COHN. That was said up at Monmouth that day, sir.

Senator JACKSON. I mean in the course of all these transactions. I understood from your previous testimony there were some that you didn't want to repeat on television.

Mr. COHN. I think that is right.

Senator JACKSON. What category would that fall into?

Mr. COHN. I might be overcautious about it, sir, but there are some parts I would not want to use on television.

Senator JACKSON. The next question, Mr. Cohn: In Mr. Adams' testimony on May 12, page 2606 of the record, he stated that you, Mr. Cohn, said that when you heard that David Schine was liable to be sent overseas, Stevens is through as Secretary of the Army. Did you or did you not make that statement?

Mr. COHN. No, sir, I am sure I did not make that statement.

Senator JACKSON. Is Mr. Adams' testimony under oath that you did make that statement true or is it false?

Mr. COHN. Mr. Adams is mistaken, sir.

Senator JACKSON. No; let's pin this down. This is why we are here. I am trying to pinpoint these different contentions. Is Mr. Adams' testimony which he made under oath that you did make that statement—is that statement true or is it false?

Mr. COHN. Mr. Adams is mistaken, sir. When you use the word false in connection with a perjury statute, you are injecting elements of willfulness, intent, and things along those lines from a legal standpoint on which I cannot pass.

Senator JACKSON. I am not asking you a question to give his state of mind. That would be for a jury to decide in a court.

Mr. COHN. Right.

Senator JACKSON. All we are trying to get here is the testimony. And as you know, this testimony goes elsewhere, Mr. Cohn. As a lawyer, we have no responsibility to determine whether any statements made were premeditated, with intent or design, to willfully tell a falsehood. That is not our responsibility.

Mr. COHN. Yes, sir.

Senator JACKSON. Now, is Mr. Adams' testimony under oath that you did make that statement—is it true or false?

Mr. COHN. I will say, sir, I did not make the statement. Mr. Adams is mistaken if he says I did, period.

Senator JACKSON. What you are saying is that you do not want to say that it is true nor do you want to say that it is false?

Mr. COHN. Sir, I am saying when I am being put into a position of passing judgment on another human being's state of mind, words and conduct, the best I can do is tell you what happened and what my memory is, and tell you, sir, that I believe he is mistaken, that that was not said. And I believe, sir, that that is a perfectly proper and appropriate answer for me to make.

Senator JACKSON. Well, it is kind of hard for us, if every time we get conflicting testimony, Mr. Cohn, we are going to find a witness, when we are up against a statement made by the other side—I put these questions to the other principals and they answered a lot of them true or false. It means that if the opposite party to those interrogations are going to say, "Well, I won't say it is true, I won't say it is false; I will say he was mistaken." Of course, that leads us nowhere and

there is no direct answer. As you know as a lawyer, that is exactly the situation.

Mr. COHN. No, sir, I think, if you ask me on that point, that possibly some people on the other side were a little bit careless with some of their answers.

Senator JACKSON. That is their responsibility and it is a heavy one, Mr. Cohn.

Mr. COHN. Yes, sir. And I will not take the responsibility, no matter what my feelings about Mr. Adams or anyone else might be, of being careless about any testimony I give here. I will tell you, sir, Mr. Adams was mistaken, that was not said. Whether his testimony was false and willfully false is something this committee will have to judge and will have to be judged elsewhere.

Senator JACKSON. I gave you some previous questions and you answered true or false.

Mr. COHN. Sir, I don't believe you had me saying the word false. I can tell you what happened. I can tell you if Mr. Adams or Mr. Stevens might be mistaken about something. And, I think you have, sir, if I may respectfully suggest, a very plain answer here, that my testimony is I cannot say that, I cannot be more direct than that.

Senator JACKSON. I think the plain answer would be whether it is true or false. That is a matter for the record. Mr. Adams went on to say under oath that you also stated at that time, when you heard that David Schine was liable to be sent overseas that, and I quote, "We will wreck the Army."

Did you or did you not make this statement?

Mr. COHN. No, sir.

Senator JACKSON. You didn't make it?

Mr. COHN. No, I didn't.

Senator JACKSON. Is Mr. Adams' testimony under oath that you did make that statement true or false?

Mr. COHN. Mr. Adams testimony under oath that I made that statement is wrong, it is mistaken, sir, it did not happen, period. Senator Jackson, perhaps the trouble is this: I tried cases in courtrooms, I know that an answer such as that would be an improper one for a witness to give.

Senator JACKSON. Do you mean it is improper for a witness to say whether a statement made by another person in their presence is true or false?

Mr. COHN. Yes, sir. I think it would be up to the witness—

Senator JACKSON. What kind of a courtroom would that take place in?

Mr. COHN. Well, sir, I guess maybe in those, perhaps humble courtrooms in which I tried some cases, sir, a witness gives a statement of what happened, and the jury decides whether the testimony—which testimony is true and which testimony is false. The witness does not undertake to make that decision.

Senator JACKSON. Obviously the witness does not make the decision, the jury does, but the witness can say whether a certain statement is true or whether it is false. That is the opinion of the witness and it is for the jury to decide.

Mr. COHN. Yes, sir; and I am telling you as plainly as I can, sir, I did not make that statement. When you go further and ask me to read Mr. Adams' mind, in light of the perjury statute and tell you

whether or not he is committing perjury and deliberately and willfully making a false statement, that, sir, is something which I don't believe I should be called upon to do here.

Senator JACKSON. You know that I am not asking you to decide, and you are a good lawyer, whether Mr. Adams is committing perjury. I am merely asking of you the testimony. It is for a jury to decide who is committing perjury.

Mr. COHN. Yes, sir.

Senator JACKSON. And you do not want to answer it one way or the other, true or false?

Mr. COHN. I want to answer very definitely, sir, that I did not make the statement, period.

Senator JACKSON. Then if you did not make the statement, the statement is false, is it not?

Mr. COHN. There are two possibilities, sir, either there is a deliberate lie, or Mr. Adams is mistaken, in error, in what he told this committee. It is not for me to decide which might be the case, sir.

Senator JACKSON. In other words—

Mr. COHN. Senator, I will say anything you want me to, sir.

Senator JACKSON. No, you are the one that is answering these questions. I am not asking you to say anything but what is the truth.

Mr. COHN. The truth is, sir, I did not make the statement. That is the truth, sir.

Senator JACKSON. You did not make the statement?

Mr. COHN. No, sir.

Senator JACKSON. Then it follows that if Mr. Adams testified under oath that you did make the statement, that statement must be false, isn't it?

Mr. COHN. That might very well be your conclusion, sir, and I might very well agree with you.

Senator JACKSON. You might well agree with me?

Mr. COHN. Yes, sir. If you want a personal opinion from me on it, I would give that, sir.

Senator JACKSON. All I want is your testimony.

Mr. COHN. My testimony is I did not make the statement, sir.

Senator JACKSON. Well, I think the record speaks for itself.

Mr. COHN. Yes, sir.

Senator JACKSON. Mr. Cohn, you were quoted on March 14, and I quote:

Throughout the pattern was that we wanted and everybody wanted and I wanted what was coming to him—

meaning Schine—

nothing more and nothing less, and I do not believe that he or anybody else on the committee used any kind of pressure to get the Army to bring this about.

Is this statement that you never used any kind of pressure on the Army with reference to special treatment for Private David Schine true or false?

Senator MUNDT. The Senator's time has expired. The witness may answer the question.

Mr. COHN. My answer to that is that I did not use pressure, in my opinion, sir, and the statement is a true statement. My statement is a true statement.

Senator JACKSON. Your answer is that it is a true statement?

Mr. COHN. My answer is that my statement is a true statement.

Senator JACKSON. That I read to you?

Mr. COHN. Yes, sir.

Senator POTTER. Mr. Cohn, I wish to invite your attention to the statement of Secretary of the Army Stevens. On page 22 of this statement he states this:

An unsigned memorandum of November 17 also made public March 12 by Senator McCarthy states it was at this luncheon in New York that I suggested that the committee go after the Navy and Air Force. This is not true.

You have testified under oath that this is true; is that correct?

Mr. COHN. Yes, sir.

Senator POTTER. I then refer you to the next page, Mr. Cohn, the second paragraph, where he states this:

It is a peculiar thing to me that this charge that I tried to persuade the chairman of this committee to investigate the Navy and Air Force was kept secret so long. Why should it only come to light 4 months later on the day after the Army's chronological events became public?

Why was that so?

Mr. COHN. That was so for this reason, sir: Mr. Stevens and Mr. Adams were trying for a period of time to get us to stop the investigation. There was the suggestion made that we give some attention to the Navy and the Air Force and leave the Army alone for awhile. If you ask why that was not made public, sir, we have had other investigations, there have been other instances in which people who were being investigated wanted us to stop and look elsewhere. The thing was not that unusual.

I might say, sir, I did not feel—and I assume Senator McCarthy did not feel—that we had to run for help and start yelling publicly and have a congressional investigation because Mr. Stevens and Mr. Adams wanted us to go someplace else with our subpoenas.

Senator POTTER. Mr. Cohn, at the time this statement was made by the Secretary, did you consider that to be made in a serious vein? Did you take it seriously?

Mr. COHN. Yes, sir; I think he was serious. He wanted us to move away from his Department and go to the Navy and Air Force.

Senator POTTER. If you did take it seriously, don't you think that is a pretty major charge or statement to be made by the Secretary of the Army?

Mr. COHN. I have heard stranger things than that suggested.

Senator POTTER. Didn't it shock you a little bit?

Mr. COHN. It did not shock me particularly, sir.

Senator MCCARTHY. Senator Potter, I wonder, without taking this out of your time, if you would yield long enough so I could give—

Senator MUNDT. It will have to come out of his time, and Senator Symington has to leave. The Chair suggests that we will be down to your 10 minutes pretty soon, Senator McCarthy, and you may do it then.

Senator MCCARTHY. The only reason I ask for this is that I asked Mr. Seaton to go to his television and make sure I correctly quoted him.

Senator MUNDT. I think he could hear Senator Symington in action and Senator Potter in action, and it won't be very long.

Senator Potter?

Senator POTTER. The only persons who knew about this charge made by the Secretary of the Army that you go after the Air Force and the Navy were yourself and Senator McCarthy and Mr. Carr?

Mr. COHN. No, sir. There were others.

Senator POTTER. Did any other member of the committee have this information?

Mr. COHN. I don't know that, sir.

Senator POTTER. Was it your plan to bring it to the attention of other members of the committee?

Mr. COHN. It was not my plan, sir, no.

Senator POTTER. Did you think it was information that the committee should have?

Mr. COHN. Sir, if it were, I am sure the chairman of the committee would have given it to his colleagues. It was not on my level to go to the members of the committee and give them that information.

Senator MCCARTHY. May I say to Senator Potter that I believe I reported this conversation to the members fully, unless I am mistaken in that. I know I reported the conversation with Mr. Adams in my apartment, and I think I reported the other conversation. I might be mistaken.

Senator POTTER. Unless my memory is mistaken, I believe the first I heard about it was the meeting in your office at the time that the report came out. If the Senator has any data to the contrary, I would be glad to have it, but that is my understanding.

Senator MCCARTHY. I wouldn't argue with the Senator, but I thought I had given you that information at the time I reported the conversation with Mr. Adams in my apartment. But if your memory is to the contrary, I will be glad to abide by yours.

Senator POTTER. The point I am trying to establish is this: At the time this statement was made, which you considered a serious statement—and I would, likewise—I think it is a deplorable thing to have a Secretary of one branch of the service trying to undermine his colleague services—the thing that disappoints me as one member of the committee is that it wasn't brought to the attention of the committee.

Mr. COHN. I don't think it was my obligation to do so.

Senator POTTER. You may be correct.

I have nothing further.

Senator MUNDT. Senator Symington?

Senator MCCARTHY. Senator Symington, I wonder if you would agree to yield whatever of your time I would take—

Senator SYMINGTON. I have to leave at 3:30, but I will still have time, unless the Senator wants to take a lot of time, and therefore I will be glad to yield for whatever he has in mind.

Senator MUNDT. The Chair suggests that you transfer your 10 minutes to Senator McCarthy now.

Senator SYMINGTON. That would be satisfactory to me, Mr. Chairman, provided there is no further yielding and I can leave with Senator Dirksen at 3:30.

Senator MUNDT. Senator Dworshak is temporarily absent, and you will be next. The Chair recognizes Senator McCarthy for 10 minutes, and will recognize Senator Symington for 10 minutes immediately thereafter.

Senator SYMINGTON. May I say, if the Senator can do it in 5 minutes, I would appreciate it.

Senator MUNDT. Very well.

Senator McCARTHY. I think I can do it in 2 minutes. Then I will be glad to yield back to the Senator whatever time it is I take.

Mr. Chairman, I left the room as I told the Chair I would, and I called Mr. Fred Seaton and asked him what the position of the Pentagon was in regard to receiving this information. He said that they would be glad to accept the information. He indicated that they wanted the information. He said he had no objection at all to having an official reporter present to take down everything that is said at the time the material is turned over to him. He said that there apparently was some misunderstanding. He said last night he wasn't aware of this requirement that the name would not be made public nor that there be an official reporter present.

I am willing to take Mr. Seaton's word for that. I think he is a very truthful individual. He talked to Mrs. Driscoll this forenoon. Mrs. Driscoll tells me that he said he would call back within half an hour and tell her whether or not they would be present at 12:30. Mr. Seaton indicated that that was not his understanding of the conversation, that there was some question in his mind whether or not I would be available in view of the hearings. At the present time the position of the Defense Department I think can be stated thusly: As I said, I have asked Mr. Seaton to tune in his television set to make sure that I properly quote him. I think their position is roughly this:

No. 1, they want the names of any individual with a subversive record, a record of Communist activity, who is working in a defense plant. That they will promptly move, using the machinery which they have available. There is apparently only one question which may hold this up temporarily until it can be worked out. When I told Mr. Seaton that we have this committee rule that we cannot make the name of any individual accused of wrongdoing public unless and until he is allowed to appear in public and deny the accusation and give his version of the story—I pointed out to Mr. Seaton that out of the 130 people, even though their records indicate that they all have been active in Communist work, that the law of averages would indicate that certainly a few of them might be able to prove their innocence and that is why this committee has unanimously adopted the rule that the names of people not be made public until they have a chance to appear personally in a public session.

He said that in theory he would certainly agree with that but there was some question in his mind as to whether or not that might tie the hands of the Defense Department in proceeding to press and expose these people.

I might say that Mr. Seaton and I had a completely friendly conversation. The only question is, can they abide by our rule to keep all these names secret and at the same time perform their function of getting rid of these particular individuals.

We agreed before I came back up here that we would try and work that out later this afternoon if possible. In fact, Mr. Seaton said he expected to call me back within the next 10 or 15 minutes. I will be glad to yield.

Senator JACKSON. Do I understand that they still have a lot of problems now about receiving these 135 names?

Senator McCARTHY. I think their only problem, Senator Jackson, is this—

Senator JACKSON. Matter of making it public?

Senator McCARTHY. A question of abiding by the committee rule.

Senator JACKSON. Why do they have to make it public?

Senator McCARTHY. I don't know. I told him that we have a rule, that I, as chairman, cannot make any names public until they appear under oath, and that therefore I could not give them the names unless they would commit themselves not to make the names public, and he said there was some question about their being able to follow that rule without tying their hands. I can see they have some problems on that.

Senator JACKSON. Senator, why don't you suggest, when he calls back in 10 minutes, that—Mr. Seaton is certainly a very able newspaperman, and what I know about him is of the best, a very capable public information man. Might it not be wise to suggest to him, and I know you want to be fair—

Senator McCARTHY. Thank you.

Senator JACKSON. That he send someone up here and explain, when he has an opportunity, to do it before millions of American citizens, explain why all this delay in receiving 135 names? I don't know of a better opportunity for him. I think they understand in the Pentagon that there are a lot of people watching this.

Senator McCARTHY. I think in fairness to Fred Seaton I should say when he talked to my office at 10:30 this morning, while my secretary, in whom I have absolute confidence, told me that she was assured that she would receive a return call within a half hour, so she would know whether or not somebody was coming from the Pentagon to receive the information during the noon hour, Mr. Seaton said that that was not his understanding of the conversation, that he did not know when I would be free, when I would be available, and I am willing to accept that explanation. I just sincerely hope that my friends in the Pentagon can work out some system whereby this information will be received by them and acted upon at the very earliest opportunity. And also may I say, Mr. Chairman, it is a little more than 2 minutes, I am afraid, Stu—may I say, Mr. Chairman, that I sincerely hope that within the next 24 hours this committee will give me permission as chairman of the Permanent Investigating Committee to proceed to hold hearings in the evening and on Saturdays, so we can put these individuals on the stand and bring out the facts. It is just too dangerous a situation to have existing that way.

Senator MUNDT. May the Chair inquire how much time the Senator from Wisconsin consumed?

Senator POTTER. Will the Senator yield while we are finding out the time?

Senator McCARTHY. I will be glad to.

Senator MUNDT. You will have 3 minutes, Senator McCarthy, on your go around. The Chair promised Senator Symington he would hear him, because he has to leave.

Senator McCARTHY. Senator Potter, may I say Senator Potter has to leave. There is only 3 minutes left. If you will hold it until he is through, I would appreciate it.

Senator MUNDT. The Chair recognizes Senator Symington for 3 minutes.

Senator SYMINGTON. Mr. Chairman, first I recommend that we have a formal invitation sent to Secretary Seaton and find out what this is all about. The next thing is that I would like to ask the witness back on these charges. The question of loyalty to me has become a very important matter, obligations under our laws. I believe our greatest heritage is that we have a Government of law and not of men. Mr. Cohn, I would like to ask: I understand you agree that the names of informants in your files, in the committee files, are top secret which you will not reveal. Is that correct?

Mr. COHN. I don't believe that the names of informants should be revealed, sir. When you say will not, it is a question of whether or not I would obey a direction of this committee, and I would obey any directions—I would certainly obey any direction that is given to me by the committee.

Senator SYMINGTON. But you do not believe they should be revealed?

Mr. COHN. No, sir.

Senator SYMINGTON. Do you agree that no power on earth could get you to reveal the names of informants unless you were told to do so by the committee?

Mr. COHN. I would certainly be in a very uncomfortable position, sir, if I were ordered by this committee. I can't believe the committee ever would order me to make public names of loyal people who have furnished information on Communists to this committee.

Senator SYMINGTON. I didn't say make public. I said reveal the names to the committee.

Mr. COHN. Any persons who are committee informants, sir, I would reveal those names to the committee; yes, sir.

Senator SYMINGTON. By a majority vote of the committee?

Mr. COHN. Yes, sir.

Senator SYMINGTON. If you had informants that you would reveal their names, if a majority vote of the committee asked you to do it?

Mr. COHN. Yes, sir; if they were committee informants.

Senator SYMINGTON. Suppose that one of the committee assistants in his own honest judgment decided that the names of informants or classified secret material should be sent either to the Attorney General or to one of the Senators on this committee and he did so. Would you think he was justified in doing so?

Mr. COHN. Senator, I didn't get that.

Senator SYMINGTON. Suppose that one of the committee assistants, against the wishes or instructions of the committee, in his own honest judgment, decided that the names of informants of classified and secret material should be sent either to the Attorney General or to one of the Senators on the committee and did so. Would you think he was justified in doing so?

Mr. COHN. I can't answer that very well, sir.

Senator SYMINGTON. Let me repeat the question to you again. I think it is pretty simple.

Mr. COHN. I think I get the question, sir, but there are so many elements in there. I would want to know—

Senator SYMINGTON. You say an informant in the Pentagon has the right to come over here and give to this committee a secret document. What I am asking you is if a member of this committee staff, for the same reason, felt he was doing what was right for the United

States, came over here and—rather, left us and gave out to somebody else, to the Attorney General, say, a secret document in this committee. Do you think that would be right?

Mr. COHN. If the document—first of all, sir, we have no power to classify documents.

Senator SYMINGTON. I haven't got too much time. I would appreciate it.

Mr. COHN. Yes, sir. I say we have no power to classify documents.

Senator SYMINGTON. Suppose it is a secret document from another department.

Mr. COHN. I think, sir, what you are getting at is this: If a member of the staff of this committee knew of an act of corruption or violation of law on the part of somebody else on the committee, and went to the FBI, who is the Attorney General's investigative branch, I would say he has a right to do that, sir.

Senator SYMINGTON. You believe he has a right to disobey the orders of the committee and its chairman?

Senator McCARTHY. Mr. Symington?

Senator SYMINGTON. I have very little time. I would appreciate not being interrupted.

Suppose there was such a rule. Would he have a right to disobey it?

Mr. COHN. If there was such a rule?

Senator SYMINGTON. Yes.

Mr. COHN. And it involved a violation of law?

Senator SYMINGTON. That is right.

Mr. COHN. And he had evidence of it?

Senator SYMINGTON. Violation of the committee ruling.

Mr. COHN. And he had evidence of the violation of law?

Senator SYMINGTON. In other words, the higher authority we talked about the other day.

Mr. COHN. I believe it would be up to him to decide whether the oath of office to his country and to his job, whether, in following the oath of office, he feels the only way he could follow it according to his conscience and his God would be to go with that information to the FBI and if he makes that decision——

Senator SYMINGTON. In other words, regardless of what the committee regulations are, if any staff member of the committee or the chief counsel decided under his oath to support the Constitution that he could disobey those committee rulings, that he would have the right to do it?

Mr. COHN. If there are violations of law being covered up by the committee, sir, he might very well—I am sure there wouldn't be any such situation, sir, but he might very well decide that his oath would require him to go to the FBI; yes, sir.

Senator SYMINGTON. And it would be his decision?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Would the fact that the committee assistant had sworn to uphold the Constitution of the United States and defend and protect our Nation justify him in your opinion in revealing the names of informants to, say, Senator McClellan, or Senator McCarthy, of classified secret material, on the ground that it would be the best way to protect the Constitution of the United States and the laws of the country?

Mr. COHN. Could I get that again, sir?

Senator SYMINGTON. Let me repeat it to you. Would the fact that his assistant on the committee we were talking about, had sworn to uphold the Constitution of the United States and defend and protect our Nation justify him, in your opinion, in revealing the names of informants to such people as Senator McClellan or Senator McCarthy, or reveal to them classified secret material on the ground that this is the best way to protect the Constitution of the United States and the laws of our country?

Senator MCCARTHY. Mr. Symington, may I say that the witness may understand that. I don't know.

Senator SYMINGTON. May I say that perhaps that doesn't surprise me.

Mr. COHN. Well, sir, I think—I want to give you an answer, Senator, but I am not sure I—Do I understand the question to be this: if somebody on the committee staff were to give to Senator McCarthy and Senator McClellan information—

Senator SYMINGTON. Let's read it again very slowly. I am sorry about my time. I will have some more time.

Mr. COHN. If there is any way to extend the time, sir—

Senator SYMINGTON. Suppose that a member of the committee staff has sworn to uphold the Constitution of the United States—

Mr. COHN. I got that.

Senator SYMINGTON. Now, suppose that he believes he should defend and protect the Nation—

Mr. COHN. Yes, sir; I have that, too.

Senator SYMINGTON. In your opinion has he the right to give classified information, classified secret material, to Senator McClellan or Senator McCarthy, because he believes this is the best way to protect the United States?

Mr. COHN. A member of the staff of our committee, sir?

Senator SYMINGTON. That is, information that he received wrongly. Classified information.

Mr. COHN. Sir, I just don't understand how anything like that could arise. I would assume that any information a member of the staff would have would be information concerning an investigation which the committee was conducting, and I—

Senator SYMINGTON. Let's say, suppose that there are some members of the staff, I understand several, who have not been cleared by the Department of Defense. Do you know if that is true or not?

Mr. COHN. No, sir, I don't.

Senator SYMINGTON. You might check it.

Mr. COHN. I would be very much interested in that, sir. I know that every member—

Senator SYMINGTON. You might check it and if I have made a mistake in saying it, I am sorry, and I would like to correct it on the record. Let me go on with the question. You have a document which you have received, we will say a document purporting to be signed by Mr. Hoover. That is part of the files of this committee.

Mr. COHN. That document, sir, was given to Senator McCarthy.

Senator SYMINGTON. It was in the committee file.

Mr. COHN. You have to take that up with him, sir.

Senator SYMINGTON. Supposedly in the committee file.

Mr. COHN. The status of information that is given to Senator McCarthy—

Senator SYMINGTON. I see. In other words, you don't know whether it was ever in the committee files or not?

Mr. COHN. Sir, I can put it to you this way, Senator Symington: There are certain people who furnish information to Senator McCarthy, certain people in this country—

Senator SYMINGTON. Let's suppose it was in the committee files. Let's suppose a document like this that was in the committee files.

Mr. COHN. Yes, sir.

Senator SYMINGTON. And suppose that the instructions were that it should not be taken out of the committee files, that it was a document that was obtained from another agency and put in the committee files. Suppose that you have a man on the committee staff who thinks that he has the right to take that document and to give it to somebody else. Do you believe that he has that right?

Mr. COHN. Sir—

Senator SYMINGTON. In other words, does the same law apply to a member of the committee staff that applies to the young intelligence officer who gave a letter which purported to be signed by Mr. Hoover—

Mr. COHN. The same oath of office and the same obligations to the Constitution and country would apply to members of the committee staff just as well as they would apply to anybody working anyplace else.

Senator SYMINGTON. If it was right for the young Army intelligence officer to give it to anybody on this committee, the same rules would apply if a member of this staff wanted to break the rules and give it to the Attorney General; right?

Mr. COHN. Sir, you try to make—to have me give a long story in a very short time. I said to you, sir, if there was evidence of violation of law or covering up of a criminal situation in this committee and a member of the staff goes to the FBI, I can conceive of circumstances where that would be proper, sir, yes. I can.

Senator SYMINGTON. I am talking about giving a secret document.

Mr. COHN. I can conceive of circumstances where that would be proper, sir. We don't have any power to classify any documents. We just don't have—

Senator SYMINGTON. Suppose an assistant working in the FBI handling classified secret materials dealing with the trapping of Communists decides in his judgment that the FBI isn't acting vigorously enough and he would prefer to release, contrary to Mr. Hoover's orders, this secret document to, say, a newspaper fighting communism. Would you consider that justified?

Senator MUNDT. The Senator's time has expired. You may answer.

Mr. COHN. Could I get that read back and then answer?

Senator MUNDT. You may reread the question.

Senator SYMINGTON. Suppose an assistant working in the FBI handling classified secret material—

Mr. COHN. Yes, sir.

Senator SYMINGTON. Dealing with communism—

Mr. COHN. Yes, sir.

Senator SYMINGTON. Decided in his judgment that the FBI isn't acting vigorously enough—

Mr. COHN. Yes, sir.

Senator SYMINGTON. And that he would like to release the documents, contrary to Mr. Hoover's orders, to a newspaper which has been fighting Communists. Would you consider that he was justified in doing it?

Mr. COHN. I would consider, sir, that the hypothesis which you suggest could not happen.

Senator SYMINGTON. That is not an answer to my question, and you know it. The truth of the matter is, as long as you have consistently refused to answer the questions, in my opinion you are setting up one set of rules for people who will give you information, and another set of rules as to what you do with the information.

Mr. COHN. I said just the contrary, Senator.

Senator SYMINGTON. We will continue this tomorrow.

Senator MUNDT. The Senator's time has expired.

Mr. COHN. I will try.

Senator MUNDT. Senator Dworshak, I notice you have just entered the room. Do you have any questions at this time?

Senator DWORSHAK. No questions.

Senator MUNDT. Senator McCarthy, you have 3 minutes remaining on your go-round.

Senator McCARTHY. Mr. Cohn, we have heard a lot about one-man committees, especially by those who object to a committee conducting an investigation. I wonder if you would, for the record, give us the reason why the various investigating committees in the Senate and the House have adopted the one-man quorum rule?

Mr. COHN. I believe the primary reason, sir, is to be found in the decision of the Supreme Court of the United States in the Christoffel case. The general law, sir, I believe, is that a necessary element in a conviction for contempt or perjury or some conduct before a congressional committee is proof that a quorum of the committee was present at the time that the witness gave the particular answer. In other words, sir, there might be, say, a quorum with three people. There might have been three Senators there at the beginning of the hearing. One of them might receive a telephone call and walk out of the room for 2 minutes. Then there would no longer be a quorum here at that moment.

On the other hand, that might not have happened. All three might be there all the time, but people might not remember that they were here all the time. Unless the Government can prove beyond reasonable doubt that all three were there at every minute when the disputed question was being asked, the conviction would be reversed and thrown out due to that technicality.

Senator McCARTHY. May I interrupt, Mr. Cohn?

Mr. COHN. Yes, sir.

Senator McCARTHY. You mentioned the Christoffel case. Perhaps one of our jury do not know who Christoffel was. Am I correct in this? Christoffel was a member of the Communist conspiracy?

Mr. COHN. Yes, sir.

Senator McCARTHY. He was convicted. His case was appealed, and the conviction was set aside, because at that time the committee had the rule that a majority of the Senators on the committee had to be present to take testimony. The conviction was not set aside

because he was not guilty, but because it was apparently impossible to prove that at all times during his testimony a majority of the Senators were present. Some might have stepped out to get a drink of water, some to take a phone call, and on down the line.

From that time onward, as far as you and I know, every investigating committee has protected itself by adopting the rule that one man constitutes a quorum, so a Communist cannot avail himself of the same defense Christoffel availed himself of?

Mr. COHN. That is right, sir. Because one man is a quorum doesn't mean that the others can't be there.

Senator McCARTHY. Let me ask you this: If you were to go back to the old rule that existed before the Christoffel case, it would make it difficult beyond words, would it not, to convict anyone for contempt of the committee, for perjury, for any crime before the committee?

Mr. COHN. It would present what the Supreme Court has found to be a definite obstacle to obtaining such conviction; yes, sir.

Senator MUNDT. The Senator's time has expired.

Mr. Welch, you have 10 minutes.

Mr. WELCH. On the other hand, Mr. Cohn, if you had the one member representing a complete committee rule, it wouldn't hurt any to have another member or two around at a hearing, would it?

Mr. COHN. No, sir; it wouldn't, Mr. Welch, and as I said just a moment ago, the fact that only one is necessary does not mean the others are not welcome or should not be there when their other duties permit.

Mr. WELCH. That is right. I wanted us clearly to understand each other.

Mr. COHN. Surely.

Mr. WELCH. You don't have to have a one-man committee. It is just convenient to be able to have one-man committees.

Mr. COHN. Surely, sir. One man must be there, and if the others come on, it is a matter of their own independent judgment as to whether their other duties permit them to take time to be at the meetings.

Mr. WELCH. Right. You don't really have any serious difficulty about it as long as the chairman is there and running the hearing.

Mr. COHN. We have had no difficulty about it.

Mr. WELCH. That is right. Strike that out.

Mr. Cohn, because of the way the questioning goes here, some people may be directing their attention at one time and some at another.

Mr. COHN. Yes, sir.

Mr. WELCH. Senator Dirksen and I have been merely trying to illuminate, let us say, this question about loyalty boards, so we will all understand where we are.

Mr. COHN. Yes, sir.

Mr. WELCH. You and I have had what I would like to think is a lawyer-like and pleasant discussion about that.

Mr. COHN. Yes, sir.

Mr. WELCH. We had reached the point I think when I exhausted my last—pardon me. Could you move forward slightly or are you helpless? I know you have a bench in front of you, sir. I didn't mean to say you couldn't move.

Thank you.

Mr. Cohn, we had reached this point—I certainly beg your pardon. know you have a bench that I have faced myself and I thought you were against it.

Mr. Cohn, we had reached the point where you had, I think, made clear that in any case where a loyalty board had made a decision affecting Communists or a subversive that this committee was completely free to call the members of the loyalty board who had passed on that case and inquire into their reasons for deciding as they did.

Mr. COHN. There are a lot of qualifications to that, Mr. Welch, but will give you a "Yes" answer if that will help.

Mr. WELCH. Well, I think it would, because while I can see there might be some, the general answer is "Yes."

Mr. COHN. Sure.

Mr. WELCH. And then I had gone on to ask you this. If you had such a loyalty—such a member of a loyalty board before you, I was asking you whether there would be any reason not to ask him, "Now, what have you got pending, what have you got pending on the docket?" I am not sure whether you answered that or not, but I am somewhat under the impression, not having seen the transcript, that you thought under some circumstances that that would be proper, no.

Mr. COHN. What I can see on that, a member might say, "How many panels are you sitting on now, how many cases do you have under consideration?" or something like that.

Mr. WELCH. But on the other hand, you were not going so far as to say, "What are the cases that you have heard, and what are the decisions?"

Mr. COHN. Yes, sir.

Mr. WELCH. You wouldn't want to inquire into those?

Mr. COHN. I can't pass judgment in advance on those, sir.

Mr. WELCH. Let's try one. Suppose he said, "Well, we heard a case last week. There are 10 witnesses. We heard them all and we are going to decide it next week."

Do you feel, Mr. Cohn, that as a legal proposition you would have right to inquire into the facts they had heard?

Mr. COHN. Yes, sir, I would say we had a right to inquire.

Mr. WELCH. And you could then, if you wished, find out the facts that were before the loyalty board for decision the following week?

Mr. COHN. Well, sir, I say we have a right to inquire whether—

Mr. WELCH. If you have a right to, then the answer is that you could if you wanted to?

Mr. COHN. We could ask. I am not saying we could get an answer, sir.

Mr. WELCH. That is the point that interests me.

Mr. COHN. Yes, sir.

Mr. WELCH. You and I as lawyers know there are a great many questions that you can ask but you can't require the answer.

Mr. COHN. Yes, sir.

Mr. WELCH. Certainly, I think we have been understanding each other, I hope we have, that in those instances where there are decisions of the loyalty board that have already been made and are in effect, and in particular if they have resulted in what you have called clear-

ing a Communist, you are quite clear that you can ask for the reason that led the loyalty board member to reach that decision?

Mr. COHN. Yes, sir, I could think of a lot of appropriate questions along those lines which could be asked, yes.

Mr. WELCH. And having asked the question, you are clear that you have a right to an answer?

Mr. COHN. As to certain of the questions, I am sure that we have a right to an answer. As to certain, sir, there might be a question.

Mr. WELCH. Now, let's understand each other on this point. If you had heard that people were bribing a loyalty board member a thousand dollars a crack to decide in favor of Communists, you and I would be in enthusiastic agreement that that bribe could be gone into, wouldn't we?

Mr. COHN. I certainly would be, sir.

Mr. WELCH. Yes, there is no doubt about that. But as you know Mr. Cohn, I am in quite a different area. I am talking now, you understand, about a perfectly honest member of a loyalty board, in the sense of not accepting bribes and not being corrupt or anything of that sort. Do you follow me?

Mr. COHN. You are excluding bribery or corruption. Are you also excluding, Mr. Welch, having a Communist-front record himself and having a prejudice—

Mr. WELCH. Yes, I think I would much rather exclude that, so you didn't have anything like that, but you just had an ordinary, honest, well-meaning, but let's say, perhaps a loyalty board member that you didn't happen to agree with.

Mr. COHN. Yes, sir.

Mr. WELCH. Now, if you take that honest loyalty board fellow, with nothing wrong with him, and he has already made a decision, I understand you now, and that you and I are in agreement to the effect that as to the decision which he has made, you have a right to inquire as to what were the facts on which he made his decision—

Mr. COHN. There are qualifications, again, but to move along, I will say "Yes," sir, and at the appropriate time I will hope to explain in a little more detail.

Mr. WELCH. And you have a right to inquire into the reasons that he adopted in reaching his decision?

Mr. COHN. I can think of circumstances under which such an inquiry would be proper; yes, sir.

Mr. WELCH. Now, Mr. Cohn, you have then, in effect, set up so of an appellate practice for these loyalty boards, have you not?

Mr. COHN. No, sir.

Mr. WELCH. Well, you review what they have done in this committee, do you not?

Mr. COHN. It is not quite that simple, Mr. Welch.

Mr. WELCH. Well, it is not quite that regular, either, but it amounts to some kind of a review of the loyalty board action before this committee, does it not?

Mr. COHN. Not exactly, sir; no, sir.

Mr. WELCH. Well, let me put it to you this way: After this colloquy of mine, and yours, isn't it quite clear, sir, that any member of a loyalty board who is about to decide a case today, must realize if he has a radio or television, that some months from now he may be called

before the committee, your committee, of which you are counsel, and asked to talk about that case?

Mr. COHN. That is possible, sir; yes, sir.

Mr. WELCH. And he must be reasonably aware of the fact that if he decides in favor of some subversive or alleged subversive, or alleged Communist, that he may have a reasonably rough time before your committee, would you not say?

Mr. COHN. If he——

Mr. WELCH. Sir?

Mr. COHN. I don't believe so. I don't believe it necessarily follows.

Mr. WELCH. Then he may not have any anxiety tonight about any decision that he makes on the grounds that he may some day be called here and have the case reviewed by you?

Mr. COHN. If he has acted, sir, in accordance with his oath, if he has acted, sir, under proper standards in determining loyalty, and if certain other elements are present, sir, I would say "No," he need have no anxiety.

Mr. WELCH. All right.

Now suppose he honestly thinks he decided right and you, Mr. Cohn, honestly think he decided wrong. Then what would you do?

Mr. COHN. Well, sir, that brings us up to the question here, and at some point I am going to ask you to go into a little detail on this subject——

Mr. WELCH. I think it is very fair that you do, because this is a most interesting subject, and one which you prophesy a collision with any governmental department. You understand, Mr. Cohn, we are not talking just about the Army, don't you?

Mr. COHN. No, I don't. I understand we are talking just about the Army, because in the only other experience we had, we got cooperation and not defiance.

Mr. WELCH. Well, I will take the Army, but we might just as well take the Atomic Energy Commission, for example. You wouldn't hesitate to bring one of those loyalty board members up and inquire as to what they were doing, would you?

Mr. COHN. Mr. Welch, I would be on better ground if I could talk about what happened. We have had the Army situation. The other situation we had was the Government Printing Office situation.

Mr. WELCH. I am well aware of that. And there has been some discussion here as to whether or not the same principles apply to the Printing Office. But take the Army, if you would like, because there is a case where we understand each other. We will talk about that. Would you like to talk about that?

Mr. COHN. Anything you say, sir.

Mr. WELCH. O. K. Go ahead and tell us about the review practice, I call it, of what the loyalty boards had done in the Army when you get the chance at them after the hearing is over.

Mr. COHN. All right, sir. As far as loyalty boards in general are concerned, and the Army in particular is concerned, we start on a premise—well, we start on this premise: We have information to the effect that loyalty boards have, without any justification, and by using improper standards of evidence, cleared Communists and have been responsible for the return of Communists to secret radar laboratories and to other sensitive places.

I would supplement that, Mr. Welch, by saying that people who have subsequently been found to be Communists and convicted as Communists, such as William W. Remington, have received the blessing of loyalty boards before their conviction as Communists. I would go on to say to you, sir, that in the case of the Army Loyalty Board, which you want to talk about, sir, we have had one case that occurs to me offhand, where somebody was cleared by this top Army Loyalty Board, and subsequently invoked the fifth amendment as to Communist activity when appearing before this committee. We have another case, sir, where the Army Loyalty Board cleared a man, looked at the record and we have a lot of evidence, cleared a man who had a record of pro-Communist activity, who had been circulating in a secret radar laboratory of which he was one of the top people, pamphlet against military conscription, against the United States building up any defenses against Russia. That man was found disloyal by a regional board but this same top Army Board cleared him and sent him back with a secret clearance.

We had the same thing, the Army had no monopoly, sir, because we had the same thing in the Government Printing Office. When those things happen, something is wrong. We try to find out in the light of our obligation as the Government Operations Committee, to find out what in the operation of this setup and system is wrong.

In addition to that general thing, there are cases and there were and are in the case of the Army Loyalty Board, where we had specific information of personal misconduct, and in one case of Communist activity on the part of a member of the very board which was trying to decide whether other people had engaged in Communist activity.

Now, when we first met up with this experience, Mr. Welch, in the case of the Government Printing Office, we got in the members of the Loyalty Board and they came.

Senator MUNDT. May the Chair say that Mr. Welch's time has expired. The rule has been to let a witness conclude his answer. Do you want to let him conclude his answer, fine.

Mr. WELCH. I take it he is pretty near the end, right?

Mr. COHN. I will try to state it once, sir, and not again. It is long and complicated subject. I will try to make it as short as I can.

When it came to the Government Printing Office, we had just about the same situation you have in the Army. We had a man named Edward Rothschild, Mr. Welch, who was a fifth-amendment Communist. We knew he had been named as a Communist, as a man who had been swiping secret papers out of the Government Printing Office, who had been trying to recruit other people into the Communist Party; but despite that, he had been cleared by the Loyalty Board. That was an incredible situation.

So this committee, particularly Senator McCarthy and Senator Dirksen, called in the members of the loyalty board and said, "Now here, you have this man Rothschild, a Communist, a fifth amendment Communist. Witnesses say he tried to recruit them into the Communist Party. He was swiping papers. He came to work with the Daily Worker every day, and you people say he is a great and loyal citizen. How is it conceivable that you could have cleared such a man?"

The members of the loyalty board came in and started answering some questions, and we found out how they had cleared such a man. We found out, first of all, that they were under the impression, and

quote, "that mere membership in the Communist Party was not sufficient to bar a worker under the loyalty program."

So here was an official of the loyalty board of the Government Printing Office who was operating under the assumption that if he found an employee of that Printing Office to be a Communist Party member, that was not an act of disloyalty, and he could still vote that that man was loyal and ought to stay on the job.

Some more questions were asked by Senator McCarthy and Senator Dirksen. The name of the witness was Mr. Hipsley. He started describing the procedure which they followed. He said, "We have heard a lot of witnesses." I remember Senator McCarthy said, "We have heard a lot of witnesses. Did you hear 'X,' who says this man tried to recruit him into the Communist Party?"

I think it was Mr. Mellor, a member of the loyalty board, who said, "No, sir, we didn't call him."

Then Senator McCarthy or Senator Dirksen said, "Did you call Mrs. 'Y,' who said that this man came to work with the Daily Worker tucked in his pocket every day and that she saw him swiping out code books?"

"No, sir," the loyalty board member said, "we never called him."

Finally Senator McCarthy said, "Who did you call?"

It developed that the only witnesses they called were witnesses who could give testimony favorable to the man under investigation, and that they had failed to call any witness who had any testimony unfavorable. So they had before them all of one side and none of the other side. No. 1.

No. 2, the standard they were using was that Communist Party membership didn't bother the loyalty board. They thought that was not a ground for disqualification.

We then knew why, at least we had a very good clue as to why this loyalty board had cleared Communists.

After that was called to the attention of the head of the agency involved, Mr. Raymond Blattenberger, he removed the members of the loyalty board, did away with the procedure, established a new procedure and a new standard.

That is one example, sir, of what this problem is and how we went about solving it and what we were trying to do in the case of this Army loyalty board which had similarly been clearing people with Communist records.

I am sorry I took so long.

Senator MUNDT. It is time for our seventh inning stretch, I think. We will take a 5-minute recess and resume with the questions.

(Brief recess.)

Senator MUNDT. The committee will come to order.

If there are newcomers in our audience since the recess, the Chair bids you welcome and reminds you of the admonition and the rule against any audible manifestations of approval or disapproval in the meantime.

Just before we recessed, Counsel Welch had concluded his 10 minutes of questioning, so we start now with Counsel Jenkins, if he has any questions at this time.

Senator McCARTHY. May I take 30 seconds to make one brief announcement?

Senator MUNDT. You may.

Senator McCARTHY. I was talking to Assistant Secretary Seaton, and he said he was sending over a letter by hand in regard to this situation. I asked him to send a copy to Mr. Welch and a copy to the Chair. When it comes, I would like to read it, No. 1.

No. 2, Mr. Chairman, unless there is some vigorous objection on the part of the members of the regular investigating committee, I would like to call a meeting of our investigating committee down in room 357 immediately after the adjournment here to iron out a number of things that have arisen which I would rather talk about in executive session. I would like to have Mr. Jenkins and Mr. Welch present, if they care to attend that meeting.

Senator MUNDT. The Chair knows of no committee business before the special investigating committee that would interfere with that, and we shall try to adjourn as promptly around the hour of 5 as we possibly can.

Mr. Jenkins?

Mr. JENKINS. Mr. Chairman, I have no further questions.

Senator MUNDT. The Chair feels that out of these hearings there is a good possibility that something constructive can come in the nature of a better relationship and a better understanding of the appropriate functions of both the executive and the legislative branches of Government in these ticklish and difficult problems of committee investigations and the safeguarding against a global menace like communism.

For that reason he is going to interrogate Mr. Cohn at this time in that connection somewhat and make a brief statement growing out of the fact that the Hiss case has been mentioned so many times by so many of the members and witnesses during these hearings.

Inasmuch as the Chair served as acting chairman of the House Committee on Un-American Activities at the time we had the Hiss case before us, it seems to me it might be appropriate to have the true facts of that case in the record.

It is true that a young security officer communicated with me and came to my office after midnight in the New House Office Building and brought me some material from the security files of the State Department in violation of a Presidential directive, a directive issued by President Truman incidentally, as we were working on the Hiss case that stopped us from having access to certain files which we had previously been able to explore.

This young man brought some information which enabled us to go on with the case with the realization and assurance that we had information available if we could prove it. We could not use the material he brought because he took it back to the files, but he gave us the assurance at a critical juncture, that there was in fact "gold in them thar hills."

It was simply a question of digging it out the hard way.

Primarily, however, the Chair wants to call attention to the development of the case because we had from Senator Symington and others during these hearings some very interesting discussions of what might be an appropriate way for a Government employee to contact his Congressman or Senator if he felt there was dishonesty or disloyalty that he should disclose.

In connection with the Hiss case this information had been made available to the FBI by Whittaker Chambers. The FBI, as it always

oes, quickly and effectively and efficiently transmitted that information to the Secretary of State, but nothing was done about Alger Hiss at that juncture.

Whittaker Chambers later communicated that information to Mr. Adolf Berle, who was an employee in the State Department. Mr. Adolf Berle took the information to the White House and gave it directly to President Roosevelt, who was then President of the United States—to President Roosevelt.

Senator JACKSON. 1945?

Senator MUNDT. Earlier than that, before that he had done that. I am giving you the background. There is no information that it was ever brought directly to President Truman's attention.

It was after that that the information was made available to the House Committee on Un-American Activities. I point that out to point out that in this discussion, which I hope can devolve around policies and principles and not personalities, we are confronted with something very genuine and very real.

Just where does the interest of the public lie? What are the responsibilities of people in Government or out of Government—as a young officer in the State Department, as in the case of Whittaker Chambers, who had information which we all now know dealt with one of the most nefarious spies in American history, Alger Hiss. He is in the Federal penitentiary now solely because things were done in violation of an Executive order.

I want to ask a question or two of Mr. Cohn in that connection.

Is it not entirely possible in your opinion, Mr. Cohn, for executive departments, understandably, to be reluctant to have disclosures made in public about dishonesty or disloyalty within the executive branch, and isn't it entirely possible that that reluctance can be manifested without there being any desire either to encourage communism, disloyalty, or dishonesty?

Mr. COHN. It is not only possible, sir, but it has happened that way think on many more than one occasion.

Senator MUNDT. I think so. It seems to me that you should not assume that those who have a reluctance to have these things brought out in public are necessarily desirous of continuing such a bad state of affairs. Is it not also possible for an alert congressional investigating committee to try to dig out, disclose and eliminate dishonesty, disloyalty and communism, without being guilty of trying to encroach upon the affairs of the executive branch?

Mr. COHN. The Hiss case, the Remington case, the Rothschild case, answer that in the affirmative; yes, sir.

Senator MUNDT. Do you not feel that we can learn through our mistakes, and experience, to develop a cooperative formula, whereby people interested in the executive good, whether in the executive or in the committees, instead of competing against each other and conflicting, can cooperate in an effort to eliminate every last scintilla of disloyalty and dishonesty in this Government of ours?

Mr. COHN. Absolutely. There should be no conflict whatsoever. Each has its particular place and certainly from our level should work together.

Senator MUNDT. This is nothing new in the history of Government, either in this country or abroad—I think it appeared in Hamlet, in the great words of Shakespeare, one time, who said, "If thou art

privity to thy country's fate, which happily for knowing may avoid oh speak!"

That goes back a long time in the history of human affairs. It seem to me that you and Mr. Adams, Senator McCarthy and Secretary Stevens, for awhile, were working on a most commendable effort to cooperate together in the common good. Would you agree that during the early stages of your Fort Monmouth investigation you were at least pioneering in an experiment of cooperation which, had it continued, could have brought great good to the American public?

Mr. COHN. Yes, sir.

Senator MUNDT. Unhappily, it did not continue. One of the problems that we have in this committee is to find out why. One side said it did not continue because of the Schine incident. One side said it did not continue because of the loyalty board investigation. Maybe we can determine whether either one of those or both of those or part of both are involved in this. But I hope it does not discourage a continuation of the effort on the part of executive agencies and congressional committees to try to walk down the same road together, to eliminate this dishonesty, to eliminate this disloyalty, because we have had too much, of late, it seems to me, of quick criticism of each other and not enough of a good, sturdy, American effort to work together against evils which all good Americans abhor. So while this experiment in which you and the Army were engaged for awhile unhappily collapsed, or as Mr. Welch pointed out, collided and created this unhappy situation in which we now find ourselves, I hope that out of these hearings, out of these discussions, out of this earnest effort to get at the truth, we can recommend some proposals and suggestions and formula for working together instead of constantly pulling apart. Is there anything in your experience, Mr. Cohn, unhappy as the eventuality finally became, which leads you to believe that it is impossible to work out arrangements such as you attempted, which might in the future happily continue to a successful culmination?

Mr. COHN. No, sir. And in the case of the Government Printing Office investigation, such an arrangement was worked out, was carried into effect, and into completion, to completion, and there was a most happy result for everybody concerned.

Senator MUNDT. There have been other investigations, too——

Mr. COHN. Yes, sir.

Senator MUNDT. In which that has been true, with certain departments, and certain agencies. Now, speaking about this matter of employees in defense plants. Does the Chair understand correctly that where you have an individual who has been classified or cleared for classified material, that in those instances the defense plant and/or the Army can remove officials, but in the instances where you have security risks in defense plants who do not have classified clearance it is impossible to do so because of union restrictions and other employment requirements?

Mr. COHN. That certainly is the substance of the Defense Department letter, Senator Mundt, and I would say that there is a lot of accuracy in the letter. There are some things which have not been borne out in the course of the investigations of this committee. It is true, sir, that the Defense Department has certain control over employees who work on classified material because it controls whether or not they should be given clearances.

Senator MUNDT. They can withdraw that clearance which is equivalent to dismissing them from that type of employment?

Mr. COHN. Yes; except for this, Senator Mundt: They made the unqualified statement, I believe, and that is not correct, though, because we found one major defense plant in the country, I think it was the General Electric plant at Schenectady, where the Defense Department had surrendered its right to give clearances up through confidential and had turned that over to the private company and said, "You give restricted and confidential clearances."

I don't think the private company wanted to give those clearances. I think, sir, some people in the private company felt that was the obligation of the Defense Department. But nevertheless that was given to the private company.

Senator MUNDT. Is not part of our great problem in defense plants the fact that a great many security risks work their way into the defense-plant establishment without the necessity of getting a classified clearance but where they have contact with the people who have the classified clearances and consequently become conveyor belts of security information direct to Moscow?

Mr. COHN. Absolutely, Senator Mundt, and if I might give one example on that point. If you have a Communist working on non-classified information, that can be just as dangerous as a Communist working on classified information.

For instance, engines and things that go into airplanes and ships might not be classified. But if you have a Communist bent on sabotage working on those, that is just as bad.

The second point, Senator Mundt, would be this: There are people, just as you have pointed out here, who might have a security clearance withdrawn, but they still work in the plant. They have a close relationship with people who do have security clearance. In a number of cases we found, up in some of these war plants in upstate New York, Communists, active leading members of the Communist conspiracy who did not have security clearances, were the bosses in the union of people who did have security clearances.

They had the right to send for the union members, and in connection with the grievance procedure, get the union members who did have security clearance to give them all the details about the types of secret classified work the unusual members were doing.

Senator MUNDT. I would like to be sure to get in one other question during my 10 minutes, and I want you to straighten out my memory on this point, but if my memory is correct, at the last public hearing held by our committee, before we became involved in the present controversy, did we or did we not have a witness who under oath testified that in order for him to get a job in a defense plant he had to join the Communist Party and a Communist union? I thought I heard him say that, but I am not sure.

Mr. COHN. Senator, that was exactly the substance of the testimony he gave. He said—I believe his name was Peter Gragis, and he said that one of the reasons he joined the Communist Party was to get into the union and to get this job in a defense plant.

Senator MUNDT. I thought I remembered that, but I have told it once or twice to people, and it sounded so shocking when I heard myself say it, and it sounded so unbelievable to the people to whom I

said it, I wanted to have that confirmed to be sure that that was the situation.

Mr. COHN. It is, sir, and you have——

Senator MUNDT. One final question. It seems to me there is no great conflict between our experience in defense plants as you related it and the difficulty of getting people in unions that are Communist-controlled moved out of defense plants, and the letter which Senator Symington read from the Pentagon Building, I think from the Secretary of Defense, in which he pointed out what could be done from the standpoint of classified clearance, but which in no way affects what cannot be done concerning that vast number of people not working with classified clearances but having contacts with the people who do.

Mr. COHN. That is a perfect statement of it, Senator Mundt.

Senator MUNDT. My time has expired.

Senator McClellan?

Senator McCLELLAN. Mr. Cohn, are we to understand that the problem with respect to getting information which may be classified as secret—are we to understand that the problem or the fault is with the executive branch of the Government?

Mr. COHN. I don't get the reference for that, Senator McClellan.

Senator McCLELLAN. There has been a lot said here the last few minutes about these classified documents and how it is proper to take them in violation of Executive orders and give them out. I just want to ask you if it would not all be cleared up if the President would just revoke the Executive order? Wouldn't that settle the whole thing, and let the Congress get whatever it wants? Is that what you advocate?

Mr. COHN. That would certainly be one. I don't think, sir, at my level any advocacy on my part would be very effective.

Senator McCLELLAN. That is the issue. Let's try to find out now if that is the way to do it. If the President agrees with that, he is the head of this administration and he can simply revoke the pending order or directive, and that would settle the whole issue, wouldn't it?

Mr. COHN. You are entitled to an answer to that, sir, and I want to give it to you. My opinion, and it is only an opinion, sir, is that the directive forbidding Congress to have loyalty and security information should be revoked; yes, sir.

Senator McCLELLAN. That is the real problem, that is the real trouble, isn't it?

Mr. COHN. That is a major problem.

Senator McCLELLAN. In other words, if you had that order revoked and no law prohibited it, then the Congress could get whatever it wanted without having somebody violate the law or violate a directive or order to give it to them?

Mr. COHN. I don't say your words, but I do fully agree with you that that directive is a major obstacle and major problem.

Senator McCLELLAN. That is what I said a day or so ago, that that is the issue, and that needs to be settled.

Mr. COHN. It is a very important one. You are absolutely right.

Senator McCLELLAN. Very important. Although there may be differences of opinion about it, this conflict between the legislative branch and the executive branch, in my opinion, will continue until it is settled.

I want to ask you now to revert back to your paper.

Mr. COHN. Yes, sir.

Senator McCLELLAN. The point I wanted to make about that is, there is a way to settle it, this administration has the responsibility to settle it. They are in office. They have the authority. They have the majority vote in Congress. They have the responsibility in the executive branch. If this conflict is here, it will have to be resolved or remain unresolved by the responsibility of those who are now in power.

Mr. COHN. Yes, sir. The directive, of course, was promulgated under the last administration and is still in effect to a certain degree, and whether or not it should be completely revoked—

Senator McCLELLAN. I am not quoting the last administration or referring to it at all. I have often disagreed with it. I think you know that.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Let's get back to your document.

Mr. COHN. Yes, sir.

Senator McCLELLAN. We were on No. 19, and the words that I had reference to when we concluded a while ago was that the "principal purpose" that Mr. Adams was appointed was as stated in that paragraph.

Mr. COHN. Do you now maintain and still maintain under oath that that was the principal purpose of his appointment, quote, and I see your quote, "to handle the committee"?

Mr. COHN. Yes, sir, we were told that by Mr. Adams, and I think that was—

Senator McCLELLAN. What do you mean by the word "handle"? Do you mean to cast some aspersion on his purpose by the word "handle"?

Mr. COHN. Sir, Mr. Adams I think was put in there on the theory that he would be able to work things out with this committee.

Senator McCLELLAN. You mean by that to improperly influence the committee?

Mr. COHN. Sir, I don't know if there was an implication of impropriety.

Senator McCLELLAN. That is what it implied to me when you put "handled" in quotations.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Did you mean to improperly influence the committee?

Mr. COHN. I meant, sir, that Mr. Adams told us after he was appointed that the principal purpose for his being put in the job was to handle the committee.

Senator McCLELLAN. You mean handle the committee or handle the committee work. I know you have these liaison officers all the time, to work between the executive and the legislative and it occurred to me that that was the nature of his appointment.

Mr. COHN. No, sir.

Senator McCLELLAN. It was not?

Mr. COHN. No, sir. You see, we had a regular liaison, General Hann.

Senator McCLELLAN. I understand there is a regular liaison, but this was a special liaison work that he was to be engaged in?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Did you mean to imply by the word "handled" that it was unduly or improperly to influence the committee, that that was the principal purpose of his appointment?

Mr. COHN. Without characterizing it, I think it became clear after he was appointed—

Senator McCLELLAN. I want to ask you what you meant by what you said.

Mr. COHN. I mean by it what Mr. Adams told us.

Senator McCLELLAN. What did he tell you?

Mr. COHN. He told us, sir, that the principal purpose of his appointment was to handle the committee.

Senator McCLELLAN. What did you understand that he meant "handle," or how do you interpret it?

Mr. COHN. I interpreted it in the light of Mr. Adams' actions.

Senator McCLELLAN. Which was to use improper influence?

Mr. COHN. Which was to try to work out arrangements whereby we would stop our investigation of the Army and stop holding hearings.

Senator McCLELLAN. You felt that was improper; did you not?

Mr. COHN. We didn't do it, sir.

Senator McCLELLAN. I didn't ask you what you did. I said you thought it was improper, didn't you, for him to be appointed for that purpose, and that is the reason you used the word "handled" because as he had used it?

Mr. COHN. It certainly could be construed as being improper, sir, yes.

Senator McCLELLAN. Of course, it can be and it was so construed by you, wasn't it, and is now?

Mr. COHN. Well, sir, I felt there was no doubt in the world that Mr. Adams was trying to stop the investigation. There is no doubt about it.

Senator McCLELLAN. If it was used in that sense and you interpreted it in that sense, then I want to accept it in that sense; that is all.

Mr. COHN. Yes, sir.

Senator McCLELLAN. As I weigh testimony.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Let's go to No. 21.

Mr. COHN. Yes, sir.

Senator McCLELLAN. I quote:

From that time henceforth.

I assume "from that time henceforth" refers back to September 1953. Does it?

Mr. COHN. Yes, sir; although we only saw him briefly on that day. I would say it really got down to business at the beginning of October.

Senator McCLELLAN. You met Mr. Adams on September 28, 1953?

Mr. COHN. I believe I did.

Senator McCLELLAN. I thought you told me you first met him on October 2.

Mr. COHN. No; I believe, as I testified previously, before he was actually in the job, he came over here to this room—

Senator McCLELLAN. You had met him then before October 2, didn't you assume.

Mr. COHN. Yes, sir. I believe I met him—

Senator McCLELLAN. I think you testified to that.

Mr. COHN. You might be right, Senator.

Senator McCLELLAN. I think you did. I am not trying to confuse. I'm trying to clarify, if I can.

Mr. COHN. My recollection is that I met him for the first time in the world at that door over there on the morning of September 28, very briefly. I came to know him at the beginning of October in New York.

Senator McCLELLAN. If that is what you desire, your previous testimony will stand corrected, September 28 as being the first date. [reading:]

from that time henceforth, and in repeated instances, both personally and telephonically, Mr. Adams attempted to interfere with the investigation of Communist infiltration into the Army.

Do you say "from that time henceforth." Did he begin immediately to interfere?

Mr. COHN. He began, sir, I think it was the first week in October in New York.

Senator McCLELLAN. The first week in October would be the next week following this date, wouldn't it, September 28?

Mr. COHN. Yes, sir.

Senator McCLELLAN. So within a week he began to interfere?

Mr. COHN. Yes, sir, about a week.

Senator McCLELLAN. About a week?

Mr. COHN. Yes, sir.

Senator McCLELLAN. This says—

beginning from that time henceforth, and there were repeated instances thereafter from the time he began to interfere in the first week in October.

Your testimony and your charge is, here, that in repeated instances thereafter, both personally and by telephone, he undertook to interfere with the committee investigating Communist infiltration in the Army?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Then your next sentence:

Mr. Adams' early attempts to end the hearings—

that was early attempts, which I assume were in early October that you are referring to; is that correct?

Mr. COHN. You are correct, sir.

Senator McCLELLAN (reading):

Mr. Adams' early attempts to end the hearings were carried out by his using every effort to ingratiate himself personally with the subcommittee personnel.

Did that include you, did it?

Mr. COHN. Yes, sir.

Senator McCLELLAN. And then appealing to them as a personal matter or to halt hearings so that he would be secure in his new post?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Did he start out doing that with you immediately?

Mr. COHN. Yes, sir; very close to the beginning, sir.

Senator McCLELLAN. How close?

Mr. COHN. It was the first week in October, I believe, when he was in New York.

Senator McCLELLAN. The first week in New York. Did that make you suspicious of him, judging from what you alleged he did which you have now testified to?

Mr. COHN. You say "suspicious." I could go beyond suspicion. It was clear to me he did not want us to continue the investigation and to continue holding hearings.

Senator McCLELLAN. All right; you thought that was improper didn't you, for him to take that attitude?

Mr. COHN. I can't say, sir, that I thought that that was improper.

Senator McCLELLAN. Oh, you didn't? I thought this was improper conduct.

Mr. COHN. Well, sir, he had just been appointed to this job by Mr. Stevens.

Senator McCLELLAN. He takes the position that he wanted you to do that so that he would be secure in his new post, did he tell you?

Mr. COHN. Yes, he did. He told us if some way could be worked out if he could be the one responsible for working out some way of getting us to let Mr. Stevens do the job himself and to get the committee out of the picture—

Senator McCLELLAN. In other words, you got the impression that is the principal purpose of his appointment to work out something like that to handle or influence the committee to get that done; that is what you are referring to here, is it not?

Mr. COHN. That is right, sir.

Senator McCLELLAN. And you knew that would be improper, didn't you, for the committee to do it?

Mr. COHN. Well, sir, he was trying to get us to pull out of the picture.

Senator McCLELLAN. All right. I know what he is trying. Did you know it would be improper for you to do it?

Mr. COHN. I certainly knew, sir, it would be improper for us to do it and it was not my decision.

Senator McCLELLAN. And for that reason, you refused, so far as you had anything to do with it?

Mr. COHN. Well, sir, the chairman is the one who refused it.

Senator McCLELLAN. If I say "you," I mean the decision was made because it was improper.

Mr. COHN. Because we did not feel it was warranted; that is right.

Senator McCLELLAN. You considered it improper?

Senator MUNDT. The Senator's time has expired.

Senator DIRKSEN?

Senator DIRKSEN. No questions.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Mr. Cohn, you stated on Meet the Press on March 14, in an answer to Mr. Jack Bell—you have that before you—actually, did you ever request or even suggest that Schine be released from KP, or any other unpleasant duty a draftee has to go through? I want to ask you—

Mr. COHN. Where is that, Senator?

Senator JACKSON. I will have to look.

Mr. COHN. I have the transcript right before me.

Senator MCCARTHY. Do you have an extra copy?

Senator JACKSON. Do I have an extra copy? I have one. The question is very clear.

Mr. COHN. It is very clear.

Senator JACKSON. Let me repeat it so I will go back.

Mr. COHN. You don't have to, Senator.

Senator JACKSON. All right. I want to ask you under oath, Mr. Cohn, did you or did you not ever request of any Army officials that Schine be released from KP?

Mr. COHN. Sir, I think the answer to that is contained on page 7 of my meet-the-press transcript. I said:

To answer the second part of your question about the Sunday KP incident, the memorandum in our file reflects that was the weekend before the deadline filing the overseas information program report which Schine wrote. That was a Sunday and there had been an agreement in advance that he could use that day to work on this report. They reneged on that agreement and that was the only purpose of the communication with the Army.

Yes, sir; the only discussion I ever had, as far as I recall it, with anybody in the Army about Schine and KP, was about that one day, January 10, I believe it was, in which I spoke with Lieutenant Blount and tried to get Mr. Adams, made the statement that if they put him in KP every night in the week we didn't care about it, but we did ask that they live up to the arrangements they had made, making him available to work on these reports on Sundays.

Senator JACKSON. Yes, but Lieutenant Blount, the aide to the general, General Ryan—

Mr. COHN. Yes, sir.

Senator JACKSON. Made it very clear that he had been assigned for duty on Sunday, that weekend, to KP.

Mr. COHN. Yes, sir.

Senator JACKSON. And Lieutenant Blount has testified under oath that you did make such a request. Now, that is my understanding of the record. That you made a request that he be released from KP. Now, is that statement of Lieutenant Blount made before this committee true or is it false?

Mr. COHN. The discussion reported by Lieutenant Blount is in substance accurate, sir; yes.

Senator JACKSON. His statement is true. Now let me refer to that connection with this testimony of Lieutenant Blount growing out of the so-called Colonel Ringler incident. If you will turn to page 79 of your testimony—

Mr. COHN. Yes, sir.

Senator JACKSON. You will find that you said as follows, starting about the middle of the page. Mr. Cohn, this is in response to a question by Mr. Jenkins, a question by Mr. Jenkins as follows:

Are you saying that Colonel Ringler was talking peculiarly about the investigation of Communists, Mr. Cohn?

Mr. COHN. I am saying, sir, that Colonel Ringler had made a statement concerning the work of this committee which had been told to Private Schine by somebody who—

And, then:

Mr. JENKINS. Well, what was that statement, Mr. Cohn?

Mr. COHN. The statement was, sir, that we were engaged in a witch hunt and that investigations like this were red herrings, things along those lines.

Mr. JENKINS. And that statement was conveyed to you by Mr. David Schine?

Mr. COHN. It was, sir.

Mr. JENKINS. And do you say it was for that reason that you said that the name of Colonel Ringler would long linger in your memory?

Mr. COHN. I might have said I was going to remember the name; yes, sir.

Now, turning to page 3508, volume 20, Lieutenant Blount has stated in sworn testimony that on the afternoon of January 9, 1954, he talked to you by telephone, that Mr. Cohn complained about Schine receiving KP on the following Sunday, the 10th of January. I quote a part of Lieutenant Blount's testimony. The quotation is as follows—

Senator McCARTHY. Senator Jackson, would you wait until the witness has a copy of the testimony?

Senator JACKSON. Sure.

Senator MUNDT. We will take time out while he is searching for the file.

Mr. COHN. I am with you, sir. I am right with you, Senator Jackson.

Senator MUNDT. Time in, again.

Senator JACKSON. Now I quote. This is Lieutenant Blount's testimony:

I told Mr. Cohn that we considered KP a part of Schine's training and as far as we were concerned, he wasn't going to get off on the 10th of January.

Continuing:

Pursuant to that, Mr. Cohn didn't agree with me by the way, pursuant to that he said that some people at Fort Dix had been cooperative, but that Colonel Ringler and Lieutenant Miller had made things especially difficult for Private Schine, and that he, Mr. Cohn, had a very long memory and was never going to forget the name.

Now, Mr. Cohn, it is quite obvious that Lieutenant Blount's version of this matter is that the reason for the dislike of Colonel Ringler, the regimental commander, if my memory serves me correct, was not what you have stated, namely that Colonel Ringler thought this was a witch hunt, but on the contrary, that it was the fact that he was the regimental commander and was doing things, as he stated here, that Private Schine did not like.

Now, is Lieutenant Blount's statement correct or is it false?

Senator McCARTHY. Mr. Chairman, I have been trying to refrain from any objections here, raising any points. However, I do believe that one of the basic principles of law is that one witness should not be called upon to evaluate another witness' testimony. I think Mr. Cohn can be asked what the facts are. I don't think it is up to him to determine whether or not another witness has committed perjury. He can't search the other witness' mind.

Senator JACKSON. That, Senator McCarthy, is not for Mr. Cohn or ourselves to determine whether perjury has been committed. That is not a grand jury sitting here. It is obviously for the jury at some time to determine who may or may not in these proceedings have committed perjury.

Senator McCARTHY. Would you yield a minute, Senator Jackson? The point I raise is that I think in every court, both State and Federal, it is improper—and if I may have Mr. Jenkins' attention on this too—I think it is improper to ask one witness to evaluate another witness' testimony. I think Mr. Cohn can be asked about all the facts, cross-examined about those in detail, but I do think—

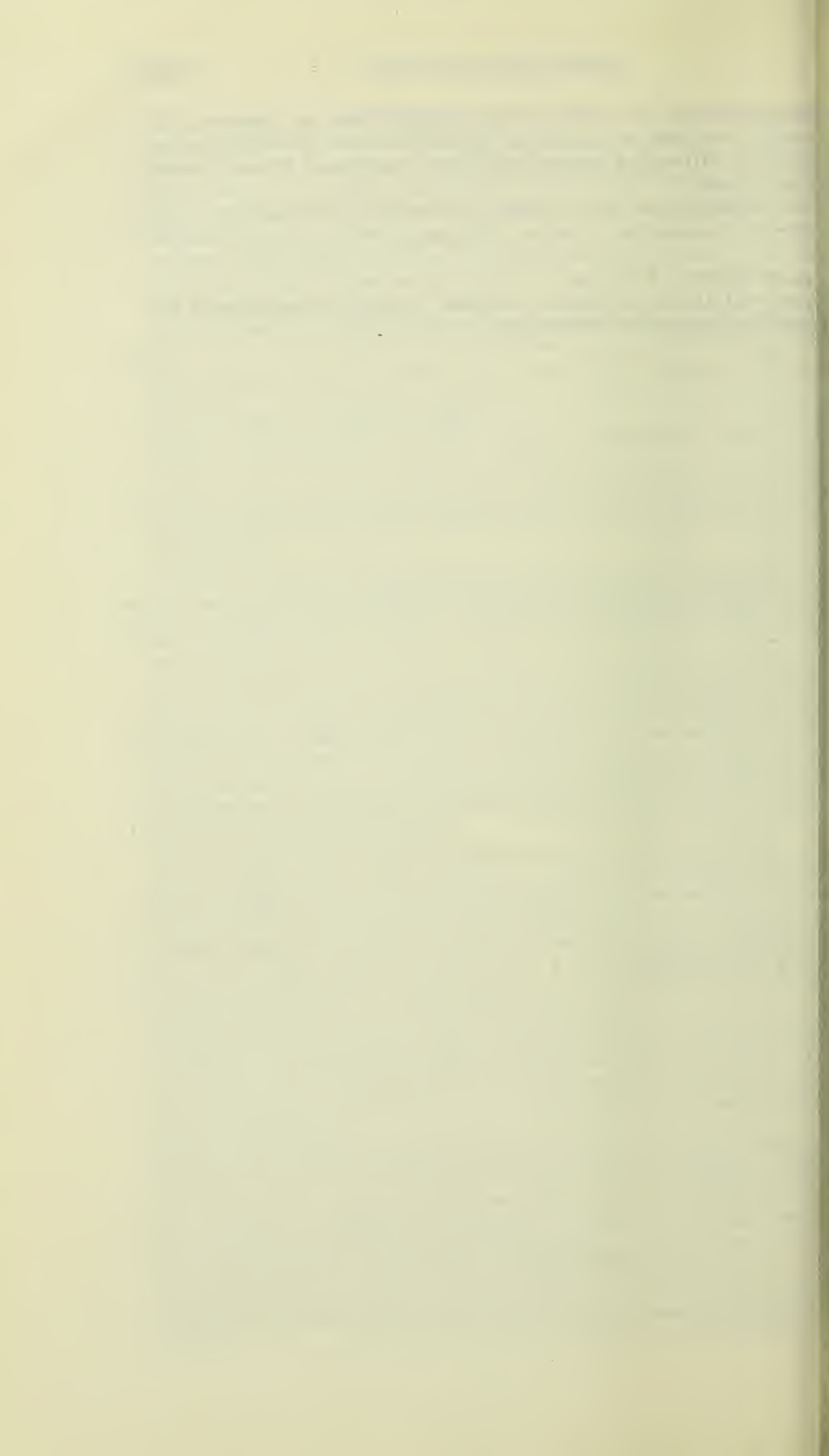
Senator JACKSON. I don't want to break you off, but I understand we now have a rollcall vote, and it takes precedent over this particular question.

Senator MUNDT. The Chair would suggest that as long as it is close to 5 o'clock, we might as well recess until 10 o'clock in the morning. I will wish a happy birthday to everyone. We will recess until 10 o'clock.

Senator McCARTHY. Mr. Chairman, there will be a meeting of the investigating committee in room 357 immediately after the rollcall.

Senator MUNDT. Very well.

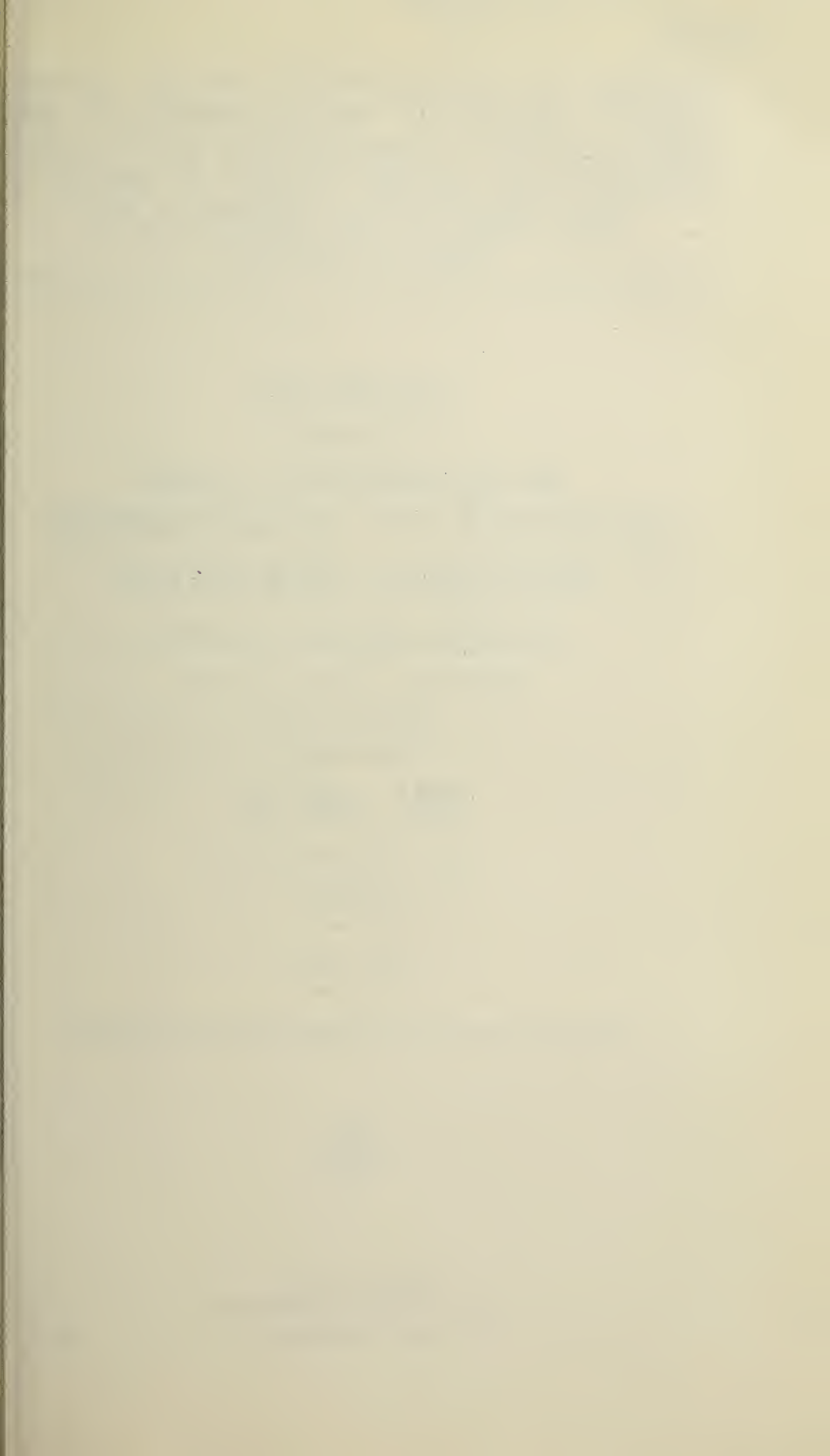
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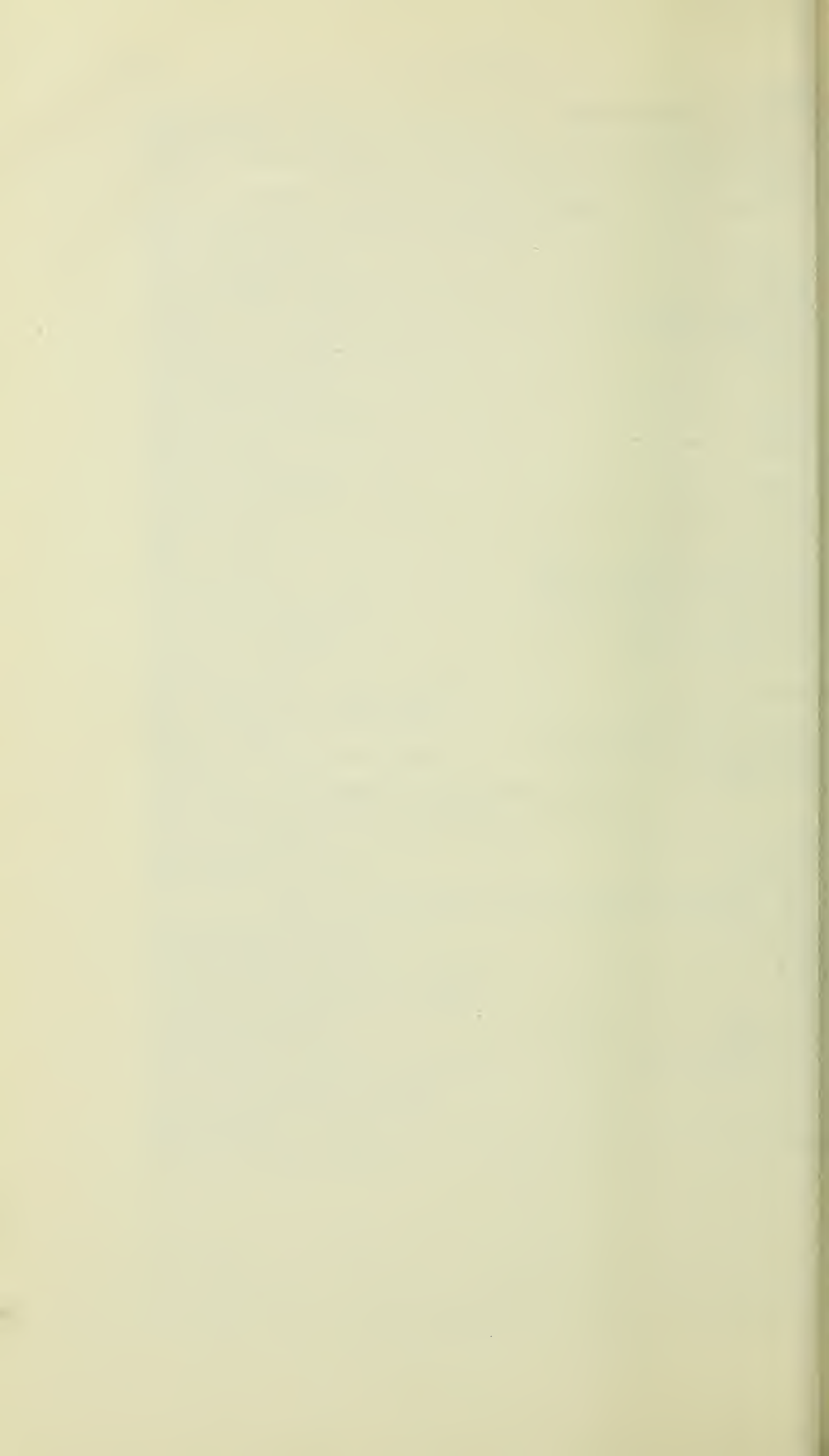


INDEX

	Page
ams, John G.-----	2005, 2008, 2009, 2011-2016, 2032, 2035, 2036, 2039
Force (United States)-----	2004, 2015, 2016
ti-Communist-----	2002
my (Communist line textbooks)-----	2007
my (United States)-----	2001, 2004, 2007,
2008, 2010, 2011, 2013, 2015, 2022, 2027-2029, 2032, 2036, 2037, 2039	
my intelligence officer-----	2022
my Loyalty Board-----	2028
ia-----	2003
omic Energy Commission-----	2027
orney General of the United States-----	2019, 2020, 2022
Lieu, Colonel-----	2011
ll, Jack-----	2010, 2011, 2038
rl, Adolf-----	2031
attenberger, Raymond-----	2029
unt, Lieutenant-----	2039, 2040
rr, Francis P-----	2016
ambers, Whittaker-----	2030, 2031
ief of Intelligence-----	2007
ristoffel case-----	2023, 2024
hn, Roy M., testimony of-----	2000-2041
leman case-----	2007
mmittee on Un-American Activities (House)-----	2030, 2031
mmunist conspiracy-----	2023
mmunist infiltration in the Army-----	2008, 2037
mmunist line textbooks for Army-----	2007
mmunist Party-----	2000, 2004,
2007, 2008, 2011, 2017, 2019, 2022-2029, 2033, 2037, 2039	
mmunists-----	2000, 2004, 2007, 2008, 2011, 2017, 2019, 2022-2029, 2033, 2037, 2039
nstitution of the United States-----	2020, 2021
nselor to the Army-----	2005, 2008, 2009, 2011-2016, 2032, 2035, 2036, 2039
ily Worker-----	2028, 2029
partment of the Army-----	2001, 2004, 2007,
2008, 2010, 2011, 2013, 2015, 2022, 2027-2029, 2032, 2036, 2037, 2039	
partment of Defense-----	2000, 2001, 2004, 2017, 2021, 2032, 2033
rksen, Senator-----	2016, 2024, 2028, 2029
iscoll, Mrs-----	2000, 2001, 2017
vorshak, Senator-----	2016
ecutive branch of the Government-----	2034
ecutive order-----	2031, 2034
FI (Federal Bureau of Investigation)-----	2011, 2020, 2022, 2030
I files-----	2011
deral Bureau of Investigation (FBI)-----	2011, 2020, 2022, 2030
deral penitentiary-----	2031
nn, General-----	2035
th-amendment Communist-----	2028
rt Dix-----	2010, 2011, 2040
ct Monmouth-----	2011, 2012, 2032
vernment Printing Office-----	2027-2028, 2032
agis, Peter-----	2033
mlet-----	2031
ss, Alger-----	2030, 2031
ss case-----	2030, 2031
lover, J. Edgar-----	2021-2023
use Committee on Un-American Activities-----	2030, 2031
P. (kitchen police)-----	2038-2040

	Page
Kitchen police (K. P.)	2038, 2040
Loyalty board	2007, 2009, 2010, 2025-2029, 2032
Marines (United States)	2009
McCarthy, Senator Joe	2000-2003
	2005, 2015-2018, 2020-2024, 2027-2030, 2032, 2038, 2040, 2041
McClellan, Senator	2020, 2022
Meet the Press (television program, March 14, 1954)	2010, 2011, 2038
Mellor, Mr.	202
Miller, Lieutenant	2040
Navy (United States)	2004, 2015, 2017
New York City	2015, 2038
Partridge, Gen. Richard C.	2007, 2009
Pentagon	2000-2004, 2017-2019, 2038
President of the United States	2010, 2030, 2031, 2038
Presidential directive	2010, 2038
Radar laboratories	2027, 2032
Reichelderfer, General	200
Remington, William W.	2028, 2038
Remington case	2028, 2038
Ringler, Colonel	2039, 2041
Roosevelt, President	2038
Rothschild, Edward	2028, 2038
Rothschild case	2028, 2038
Russia	202
Ryan, General	2038
Schine, G. David	2005, 2010, 2012-2014, 2032, 2038-2040
Seaton, Fred	2000-2003, 2005, 2015, 2017-2019, 2038
Secret radar laboratories	2027, 2032
Secretary of the Army	2006, 2008, 2012, 2013, 2015, 2016, 2038
Secretary of Defense	2002, 2004, 2006, 2007, 2038
Secretary of State	2038
Shakespeare	202
State Department (United States)	2030, 2038
State Department security files	2038
Stevens, Robert T.	2003, 2008, 2012, 2013, 2015, 2016, 2038
Supreme Court of the United States	2023, 2038
Symington, Senator	2015, 2018, 2030, 2038
Television program (Meet the Press, March 14, 1954)	2010, 2011, 2038
Textbooks (Communist line for Army)	2038
Truman, President	2030, 2038
Un-American Activities Committee (House)	2030, 2038
United States Air Force	2004, 2015, 2038
United States Army	2001, 2038
	2007, 2008, 2010, 2011, 2013, 2015, 2022, 2027-2032, 2036, 2037, 2038
United States Attorney General	2019, 2020, 2038
United States Congress	2034, 2038
United States Constitution	2020, 2038
United States Department of Defense	2000, 2038
United States Department of State	2030, 2038
United States Marines	2038
United States Navy	2004, 2015, 2038
United States President	2010, 2030, 2031, 2038
United States Secretary of Defense	2002, 2004, 2006, 2007, 2038
United States Secretary of State	2038
United States Supreme Court	2023, 2038
White House	2038
Wilson, Secretary Charles	2002, 2038





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Seat

**SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR**

HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION
PURSUANT TO
S. Res. 189

PART 52

JUNE 4, 1954

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OCT 27 1954

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CONTENTS

Index	Page
Testimony of—	I
Cohn, Roy M., chief counsel, Senate Permanent Subcommittee on In-	
vestigations.....	2044

S

C
C

E
P
S

T
C

U
C
f

E
D

T
S

R
P

SPECIAL SENATE INVESTIGATION ON CHARGES AND
COUNTERCHARGES INVOLVING: SECRETARY OF THE
ARMY ROBERT T. STEVENS, JOHN C. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

FRIDAY, JUNE 4, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:12 a. m., pursuant to recess, in the caucus room of the Senate Office Building, Senator Karl E. Mundt, chairman, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will please come to order.

We will begin the morning session as is our custom by welcoming the guests who have come to the committee room and calling their attention to the standing committee rule to the effect that there are to be no audible manifestations of approval or disapproval of any kind at any time from the audience. The uniformed officers in the room and the plainclothes people scattered through the audience have instructions from the committee to remove from the committee room immediately, politely but firmly, any of you who, for reasons best known to yourselves, elect to violate the conditions under which you entered the room, which included refraining entirely from any audible manifestations of approval or disapproval.

Certainly no committee could expect better cooperation from audiences than we have had, and we hope that that cooperation will continue.

At the conclusion of the afternoon session yesterday, we were interrupted about 15 minutes before our normal recess time by a rollcall vote

on the Senate floor. Senator Jackson had a short period left of his 10-minute go-around, and advises me that he will yield that 4 minutes this morning to Senator Symington, and we will start with Senator Symington this morning. That will take us to Senator Dworshak if he is here, and then to Senator McCarthy, and we will start the go-around over.

TESTIMONY OF ROY M. COHN—Resumed

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Thank you, Mr. Chairman.

In the interest of expediting the hearings and giving the other people a chance to examine the witness, especially the Army, I have no questions at this time, but I would like to make a motion to submit to the committee, if I may.

On looking over the transcripts of these hearings for the last 2 days, I found that when Mr. Cohn was first asked about turning the names of 130 or 135 subversives in defense plants over to the Defense Department, both Mr. Cohn and Senator McCarthy felt that the Defense Department already knew these names.

Yesterday it appeared that the Defense Department did not know these names or at least that Senator McCarthy and Mr. Cohn did not know whether the Defense Department had them or not.

I share the feeling which was expressed here so vividly the other day that it is a serious and dangerous thing to permit any subversive to continue working in defense plants on defense contracts for 1 minute longer than we can help.

I myself do not propose to stand by idly 1 day or 1 hour while the names of any of these subversives which may not be known to the Government investigating agencies rest in our files. I do not believe that any member of this committee would want any one of these names to remain in our files when they are not known to the Defense Department, the Department of Justice or the FBI.

It is our duty, in my opinion, whenever we have the name of a person whom we have reason to suspect is a security risk and who may be working in any defense installation, to see that this name is immediately communicated to the proper enforcement agency.

For these reasons, Mr. Chairman, I now move that the staff of this committee and each member of the committee be instructed by this committee to immediately turn over the name of any suspected Communist or security risk to the Department of Justice and the FBI whether such Communist or security risk is working in the Defense Department, in any defense plants, or anywhere in the Federal Government.

I so move, Mr. Chairman.

Senator JACKSON. Mr. Chairman, I second the motion.

Senator MUNDT. The motion has been made and seconded. The Chair would say, and I am sure Senator Symington will agree, in fairness to our colleagues who told me this morning that two of them are on the Appropriations Committee, which is marking up a bill, who asked me if I had received any notice that anybody was going to make any motions, and to whom I said I had not, I am sure that Senator Symington and Senator Jackson will agree that we should wait for our colleagues.

Senator SYMINGTON. Indeed, Mr. Chairman. I had not noticed that some were not here.

Senator JACKSON. That is a very fair request.

Senator SYMINGTON. Could I ask the Chair to bring it up when he thinks proper?

Senator MUNDT. Surely.

Senator SYMINGTON. Thank you.

Senator MUNDT. Is that all, Senator Symington?

Senator SYMINGTON. At this time, Mr. Chairman, I will pass.

Senator MUNDT. Senator Potter has had his 10 minutes. Senator Dworshak and Senator Dirksen are marking up the appropriations bill. I don't see Senator McCarthy here, so, Mr. Welch, we have gotten to you right fast this morning. You have 10 minutes.

Mr. WELCH. Mr. Cohn, I first want to take up a preliminary matter with you in a purely preliminary way. You know, Mr. Cohn, we have sort of fallen into the custom here of asking people about their military records when they take the stand.

Mr. COHN. Yes, sir.

Mr. WELCH. Senator Dirksen at least opened up that subject with you.

Mr. COHN. Yes, sir.

Mr. WELCH. I understand you are now an officer in the National Guard?

Mr. COHN. Yes, sir.

Mr. WELCH. Mr. Cohn, there have, I think, been some articles published about you and your draft status, of which you are probably aware; are you not?

Mr. COHN. Sir, I would say articles have been published about me on just about everything, yes, sir.

Mr. WELCH. I do not wish to intimate to you, sir, that I associate myself with any of those stories, almost none of which I have read. I am sure, however, that you would like to have this opportunity, or an opportunity during these hearings, simply and quietly to state for this record, what your status has been and is.

Mr. COHN. Yes, sir.

Mr. WELCH. I knew you would say that, and I assume you would probably like to have a file available when you do so, would you not?

Mr. COHN. A file, sir?

Mr. WELCH. Yes. That is to say a file of your relations with your draft board and with West Point about something about which I have heard.

Mr. COHN. I don't think I need a file. I know the facts.

Mr. WELCH. Do you, sir?

Mr. COHN. Yes, sir.

Mr. WELCH. I think I would feel happier about it, Mr. Cohn, if we postponed it until you could get your file or look at it, for this reason, which is quite simple. I would feel very much happier if I could just press a button and have you tell the story without any prompting or any questions from me. You can see how I might feel that way, one lawyer to another, can't you, sir?

Mr. COHN. Sir, I am willing to answer any question you want to ask me now.

Mr. WELCH. I understand that. But I hope I won't ask any. I hope before we go into this matter that you will consult your file or

bring it to the stand with you, so you can reel that off to us, what your whole story has been.

Mr. COHN. Whatever you want, Mr. Welch.

Mr. WELCH. I suggest that. Would you mind, sir?

Mr. COHN. Anything you say, sir.

Mr. WELCH. And that would be perhaps this afternoon or Monday if your file is elsewhere than Washington, which I think is likely.

Mr. COHN. Sure.

Mr. WELCH. May I deal just very shortly with one other matter so that you will understand that matter. You were asked about being a partner in a law firm in New York.

Mr. COHN. That is right, sir.

Mr. WELCH. May I make it clear to you, sir, that I am in no sense critical of you on that score. Is that clear?

Mr. COHN. Well, thank you, sir.

Mr. WELCH. And may I add I am perhaps a little envious in the sense that I would have liked to have achieved that as young as you have achieved it. But it is too late for me now. I did want to ask you this: When did you first join that firm?

I take it that when you first joined that firm or associated yourself with it, the name was different than is now the case, is that right?

Mr. COHN. Yes; it was, sir.

Mr. WELCH. That is to say, Mr. Cohn, I understood that you went there first as an employee or as junior or something of that sort?

Mr. COHN. That is right, sir.

Mr. WELCH. And what was the firm name then?

Mr. COHN. Curran & Stim.

Mr. WELCH. And when did you join them, sir, or when did you go there for employment?

Mr. COHN. I think it was 1949 or 1950.

Mr. WELCH. Then what was the next name that that firm assumed? Its present one, or was there an intermediary one?

Mr. COHN. No, sir; the next name I think was its present name. I don't think there was any other name.

Mr. WELCH. And that you have stated once before, and I am sure it is no discourtesy to you to ask you to state it again.

Mr. COHN. Curran, Mahoney, Cohn, which is me, & Stim.

Mr. WELCH. I happen to know—it is kind of fun to say it—they are in downtown New York.

Mr. COHN. 29 Broadway.

Mr. WELCH. On Broadway at No. 29.

When did you become a partner in that firm?

Mr. COHN. Sir, I would have to check that and give you the exact date.

Mr. WELCH. It is not important. I am not anxious to have it critically established.

Mr. COHN. I can get that for you.

Mr. WELCH. Don't bother. Somewhere near, what would you say now?

Mr. COHN. I would say roughly a couple of years ago.

Mr. WELCH. A couple of years ago?

Mr. COHN. Yes, sir.

Mr. WELCH. So prior to your coming on this committee as counsel, you were able to and did give that committee full time?

Mr. COHN. Pardon me, sir?

Mr. WELCH. Prior to your coming to this committee as counsel, did you give that firm full time, or were you——

Mr. COHN. No, sir.

Mr. WELCH. You were in Government service, anyway?

Mr. COHN. No, sir. I don't know if you heard the answer I gave to Senator Jackson.

Mr. WELCH. I heard it, sir, but I didn't remember.

Mr. COHN. Surely. No, I have been associated with that firm since about 1950. At that time I was with the Department of Justice. Before I was associated with that firm I was associated with another firm. In other words, sir, ever since I have been admitted to the bar, I have been associated with one or another law firm. There have been a total of two. I have given to those law firms a very small portion of my time. I have given the great majority of my time to Government service.

Mr. WELCH. I quite understood that. I was wondering, Mr. Cohn, if there was any period during the time since you have been a partner in that firm that you were in a position to give the firm full time?

Mr. COHN. No, sir.

Mr. WELCH. On the other hand, I had not, I think, fully understood until I reached this courtroom that you are supposed to and do give at least full time and perhaps more than full time to this committee.

Mr. COHN. Sir——

Mr. WELCH. Maybe that was a question you didn't understand. When I reached this courtroom, I didn't actually understand that you were either required to or did give all of your time to this committee. That is a requirement, is that right?

Mr. COHN. I don't know that it is a requirement, sir. I do know what I do.

Mr. WELCH. Right, and I was going to say you not only give 7 hours a day, if that is a lawyer's day, or 8 hours, but I gather from your testimony even more than that?

Mr. COHN. Yes, sir. I think there are times—I am not in a class by myself on this. I think every staff member works nights and Saturdays and Sundays very frequently.

Mr. WELCH. Do you go to your New York office now and then?

Mr. COHN. Very infrequently, sir.

Mr. WELCH. Meaning not once a month?

Mr. COHN. I would say I haven't been there in 2 or 3 months now. When I was there before that, I might go maybe once a month, something like that.

Senator McCARTHY. Will Mr. Welch yield?

Just so there is no question about the arrangement with Mr. Cohn, No. 1, he spends much more than the average day's work with this committee. No. 2, he has agreed to allow us in effect to use his New York office for the reception of phone calls, and what have you, at no cost to the committee.

Mr. WELCH. Senator, I was not suggesting that he didn't give completely full union hours and more to this committee.

You do, I assume, have a secretary in your New York firm?

Mr. COHN. No, sir, I don't have a personal secretary.

Mr. WELCH. There is at least a staff?

Mr. COHN. Yes. There are three very capable girls. One mans the switchboard; the other two take dictation.

Senator McCARTHY. For one last time, will you yield?

Mr. WELCH. It is not the last time, but I will.

Senator McCARTHY. I thought we had a sort of mutual agreement that we would try to stick to the issues. I don't want to interrupt, which may take more time than allowing you to pursue irrelevant material. But what Mr. Cohn's law office does, as I see it, has no relevancy so far as the Army charges are concerned. If you want to pursue that, it is all right with me, but it is a cruel waste of time. I thought we were trying to get rid of this matter.

Mr. WELCH. I am dealing with it very lightly, Senator.

Now turning for a moment to Mr. Schine, he has a New York office—or Private Schine, as he is now known—has he not?

Mr. COHN. Yes, sir.

Mr. WELCH. Where is that?

Mr. COHN. Park Avenue and 57th Street.

Mr. WELCH. What is the name on the door of that office?

Mr. COHN. The name on the door?

Mr. WELCH. Yes.

Mr. COHN. It is the office of the hotel chain.

Mr. WELCH. Right.

Mr. COHN. When I say he has an office, I think he and his father have an office. Whoever is there uses it.

Mr. WELCH. I am suggesting no slightest impropriety. I assume you have at least on occasion been at that office.

Mr. COHN. Oh, I have been there; yes, sir.

Mr. WELCH. And there is some kind of staff there?

Mr. COHN. Yes, sir.

Mr. WELCH. I think it appeared in evidence from letters that the private wrote that he has a secretary at that address.

Mr. COHN. There is a secretary. I don't know whether she is his, sir, but there is a secretary there. I know that.

Mr. WELCH. Now, I want to turn the clock back, so to speak, to the time when you joined this committee and when Mr. Schine joined it. As to actual dates of arrival, when did you arrive and hang up your hat and go to work?

Mr. COHN. I don't know the exact date, sir. It occurs to me it was, I would say about the second week in January of 1950, the first or second week. Maybe it was January 6 or 7, something like that.

Mr. WELCH. 1953, of course?

Mr. COHN. Yes, sir.

Mr. WELCH. May I say, Mr. Cohn, that unless I tell you otherwise that a date seems to me of some importance to fix it critically, don't give a thought whether it is the first week or the second. On points like this I just want to know generally when that happened.

Mr. COHN. Yes, sir.

Mr. WELCH. I made a little note, that would be probably the second week in January, something like that. Is that right?

Mr. COHN. Yes, that is right; about the 6th or the 7th, I think it was.

Mr. WELCH. You came to the committee as its chief counsel?

Mr. COHN. Yes, sir.

Mr. WELCH. Did you at some time have added to the legal staff any other lawyer or lawyers?

Mr. COHN. Yes, sir.

Mr. WELCH. When was the first one added?

Mr. COHN. I don't know, sir. I would have to check the record.

Senator MUNDT. I am sorry, Mr. Welch. Your time has expired. If the witness has not answered the question which you have pending, he may answer it.

Did he answer your last question?

Mr. WELCH. Let's let it go over and I will pick it up, Mr. Chairman.

Senator MUNDT. Counsel Jenkins, have you any questions?

Mr. JENKINS. Mr. Chairman, I have only 1 or 2 questions to ask Mr. Cohn at this time.

Mr. Cohn, yesterday morning I asked you to bring to the caucus room at the earliest possible moment and file with the committee the documents, the data, the memoranda prepared by Mr. Schine at three different periods. You will recall that request, Mr. Cohn?

Mr. COHN. Surely, sir.

Mr. JENKINS. I will ask you whether or not you now have that information available?

Mr. COHN. Well, sir, we made some progress on that. Private Schine worked on that during yesterday. We looked at it again last night. I think we have to show it to Senator McCarthy again. We now have it in three tentative stacks, and I hope we will have it for you, sir, by Monday morning.

Mr. JENKINS. By Monday morning?

Mr. COHN. Yes, sir.

Mr. JENKINS. And you recall that is to be furnished in three different classifications?

Mr. COHN. Yes, sir; that is the way we are trying to do it.

Mr. JENKINS. I had understood, Mr. Cohn, and perhaps erroneously so, that you had that prepared and ready to file this morning.

Senator SYMINGTON. Mr. Chairman, may I ask what the information that counsel asks for?

Mr. JENKINS. Senator Symington, yesterday morning I asked Mr. Cohn to continue his work in the preparation of all the data, documents, the memoranda, papers prepared by Mr. Schine during three distinct periods, to wit, the period from the time that he came to the committee to the 1st of July, the period from the early part of July to November 3, the day of his induction, the period subsequent to the date of his induction on November 3, and particularly the latter classification, the purpose of the question, Senator Symington, being to enable this committee to determine from that data the amount of work done by Mr. Schine during these weekday and weekend passes insofar as the work is reflected by the data called for.

Senator SYMINGTON. I thank the counsel.

Senator MUNDT. Counsel?

Mr. JENKINS. I have no further questions, Mr. Chairman.

Senator MUNDT. The Chair will pass his time as far as questioning Mr. Cohn is concerned, because he would like to expedite the machinery which would enable Mr. Welch to get on with his questioning as rapidly as possible. But he has a question or two he would like to ask either Mr. Welch or Mr. Jenkins.

He recalls that yesterday when a monitored phone call conversation was read by Senator Dirksen, there was a fellow by the name of Karl mentioned there a couple of times, which he concludes must have been the present chairman of this committee. So we would like to have his monitored conversations, whatever they are, incorporated into the record, and I would like to ask Counsel Jenkins a question first whether he or Mr. Maner or any of his staff have my monitored conversations here, and if so, they can be made available to me.

Mr. JENKINS. Mr. Chairman, they are ready and I now hand them to the chairman.

Senator MUNDT. Question No. 2, then, I would like to ask of Mr. Welch.

I have 1, 2, 3, 4 pages of monitored conversations here. Are they all with Mr. Stevens?

Mr. JENKINS. That is our understanding.

Senator MUNDT. They are all with Mr. Stevens.

Does Counsel Welch, speaking for Mr. Stevens, have any objection if I now read my monitored conversations into the record?

Mr. WELCH. The answer is "No," but I would like to add something to what I say.

Senator MUNDT. You may do that.

Mr. WELCH. As you know, Mr. Chairman, we have two levels of monitored phone calls. There are the telephone calls between the Secretary's office and members of this committee. It would seem to Secretary Stevens and to me that the only graceful thing to do in respect to those, quite aside from what happens to any other monitored calls, is to say that they may go in at the option of any Senator. Senator Dirksen has exercised his option. It is obvious now that you wish to exercise yours. Beyond that area, we are in a situation where Senator McCarthy and I have apparently a dual difficulty. I began by starting to put in chronological order the monitored telephone calls that interested me, and we ended up by a formula signed by Mr. Stevens and Mr. Adams under which they agreed that all telephone calls between the parties may go in evidence. In justice to Senator McCarthy, I think his position, and I ought not to try to state it for him, but I think his position, is, that unless we have all the telephone calls at every level between members of the executive department, as for example, which I have heard mentioned often, as between Secretary Stevens and Lawton, none ought to go in.

We know, or I think Mr. Jenkins and I know, what the effect of the Presidential directive is in that area. So I am in the situation where I want in evidence all telephone calls that can go in evidence, or if we can't have all of those, I don't think that I want part of them, just as I understand Senator McCarthy to say that if he can't have all the telephone conversations in every area, he doesn't want any. So to state Mr. Welch's position again, which is easy for you, Mr. Chairman, it is that any Senator, including naturally and foremost, yourself, has the option to put in his telephone calls with the Secretary's Office or with Mr. Adams at will. Outside that area, I do not want sort of a sliding option by which monitored calls keep going in without some understanding between the Senator and me as to whether all go in or not.

Senator MUNDT. The Chair has a suggestion to make to you, Mr. Welch, in that connection, which occurred to him this morning while

shaving, which may be helpful. I don't know. Puzzling as I have frequently about what we can do to break this deadlock about telephone calls, and believing that the main difficulty on the part of Mr. Cohn and Senator McCarthy seems to be that they want 2 or 3 calls that they know were made and know were monitored between Stevens and Adams and Adams and Stevens, dealing with the Lawton situation, and perhaps a call which may or may not have been monitored between Lawton and Stevens or Lawton and Adams.

It occurs to the Chair that if you were to ask your clients, Mr. Stevens and Mr. Adams, in turn to request of Attorney General Brownell that he sort of declassify or include out from the executive order those particular calls, we would then be able to ask Senator McCarthy and Mr. Cohn the direct question: "Now that these calls are available that you have specifically requested, do you approve of putting in all of the calls in chronological order in conformity with the McClellan motion?"

That is just a suggestion on my part. I am not trying to put you on the spot. We are all thinking out loud, trying to find a formula. It would seem to me that both Mr. Stevens and Mr. Adams should be rather zealous about trying to get those calls in, because they want other calls in. I think if you would make that effort, it might be helpful.

Senator McCARTHY. In view of the question directed at me by Mr. Welch, Mr. Chairman, may I say that as far as any calls with me are concerned, I can see no objection to having them put into the record. I think it might be a healthy thing now if all of the Senators would agree to have their monitored calls put into the record.

I have been slightly disturbed here by the fact that while my Republican colleagues have testified under oath in regard to the conversations with Mr. Adams and Mr. Stevens, my Democrat colleagues have not yet gotten to that point. I think on monitored calls it might be well now to have all the Senator's calls put in, including mine.

As far as Mr. Cohn and Mr. Carr are concerned, I understand Mr. Adams said he had no monitored calls with Mr. Cohn. I find in discussing the matter with counsel and my staff, that there are no monitored calls with Mr. Carr until the day after I refused to accede to Mr. Adams' demand to call off the hearings.

Then he commenced to call Mr. Carr constantly. Mr. Cohn at that time had already refused to have any conversations with Mr. Adams. He and I agreed that he shouldn't in view of the misrepresentations being made about his conversations. So before I would advise Mr. Carr—may I have the Chair's attention on this—before I would advise Mr. Carr on this matter, in view of the fact that the phone conversations stated—Senator McClellan, I wonder if I could have the Chair's attention on this.

Before I would advise Mr. Carr on what he should do about those phone calls, in view of the fact that they did not start until after the day the blackmail failed, I would want to see how self-serving they are.

There is obviously a purpose in his starting to call Mr. Carr, monitoring the calls the day after the blackmail attempt failed and not before that. However, as far as my phone calls are concerned, I would have no objection to having them put in. I think it would, as I say, be a healthy thing if all of the Senators this morning would say to

Mr. Jenkins, "Go ahead and put into the record all of the phone calls with the Senators."

Senator MUNDT. The Chair is not ready to direct any of the other Senators in doing one thing or another, but he feels that since his name was mentioned in the monitored calls that were read, and since the Chair has said from the very beginning he would do the best he could to have his own personal monitored calls put in because he had been advised they had been monitored. He has never been honored by having a telephone call of his monitored before by anybody, and he has been kind of curious to know how it looks and sounds. Other people have the same curiosity. He expects to read his into the record. Each Senator will have to govern himself according to his own desires and his own intention as to what to do. The Chair would say one other thing to Senator McCarthy. Unless he is incorrect in his memory, he believes Mr. Adams in testifying here under oath said that his calls were not monitored. If you are talking about calls made from Mr. Adams, I doubt whether calls between Adams and any of the other principals were monitored.

Senator MCCARTHY. We find they were monitored, and in fairness to Mr. Adams may I say I was under the same impression. I thought that he had sworn under oath that none of his calls were monitored. I was very surprised then to find monitored calls between Mr. Adams and Mr. Carr. However, in checking the record I find that apparently he was referring only to monitored calls with Mr. Cohn. He said those with Mr. Cohn were not monitored.

Senator McCLELLAN. Mr. Chairman.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. Mr. Chairman, I remind you and the other members of the committee that yesterday morning when the monitored calls came up and we were discussing them, before Senator Dirksen placed his calls in the record, I announced that my calls were going in before these hearings concluded. I did not place my calls in the record yesterday because there was no proper or legal way to do it at that time.

I now call your attention to the fact that the proceedings you are now proposing are irregular, in that you are placing these monitored calls in the record without them being under oath, without them being sworn to, and if there is a conflict of testimony, this part of the record would not be under oath and therefore you could not prosecute anyone for perjury on it insofar as these monitored calls are going in the record in this fashion.

In order to make the proceedings proper and legal from every standpoint, technical and otherwise, I think it advisable to immediately call the gentleman—what is his name?

Mr. JENKINS. Lucas.

Senator McCLELLAN. Who monitored the calls, who made these notes, and place him on the stand and place these monitored records of calls under oath so that they will be legal testimony before this committee.

Therefore, Mr. Chairman, in order to make the proceedings legal, in order to make them proper, I move that we immediately call for the presence of Mr. Lucas, and that this witness be temporarily removed from the stand and Mr. Lucas be placed there to testify under oath to these monitored calls.

When you do that, if you do that, I will be the first one to offer mine. I am going to place them in the record. I want to place them in the record legally and with all the force and effect of sworn testimony. I do not want to place them in the record, unless I have to, in the fashion that is now being proposed.

So I move, Mr. Chairman, that immediately we call Mr. Lucas to testify under oath with respect to these records of monitored calls.

Before you pass on the motion, I want to make one other observation. There is a statement here—and I assume it is accurate—that there are monitored calls between Mr. Adams and Mr. Stevens, parties to this controversy. Mr. Chairman, there is no Presidential directive that prevents those calls from going into this record so far as I know. Mr. Lucas should be called here and required to produce those monitored calls, because I understand the Army consents to them.

Do you not consent? Is that my understanding?

Senator MUNDT. If the Senator will yield, I think Mr. Welch told us yesterday he construed the Executive order to include those specific calls.

Senator McCLELLAN. Mr. Chairman, I don't care what construction is placed on that order. As between the principals to this controversy, there is no Executive order that could bind this committee except insofar as it is conversation as to extraneous matter. You have let them sit here and testify day after day, Adams and Stevens, what each told the other. Certainly you can get it in a monitored call.

I shall seriously protest any decision of this committee or any party to these proceedings that would undertake to keep the monitored calls between Adams and Stevens out of this record. They are entitled to go in.

Senator JACKSON. Mr. Chairman.

Senator MUNDT. Senator Jackson?

Senator McCLELLAN. I have a motion before you that I want action on.

Senator JACKSON. Mr. Chairman, I wish to second the motion and back up my distinguished colleague, Senator McClellan. I think very clearly insofar as there are telephone calls between the principals to this controversy, whether they are within the Army or between the Army and the Hill, that those telephone calls should go into the record. Under ordinary circumstances the Executive order might apply, but I feel that the executive branch waived their right when they permitted Secretary Stevens and Mr. Adams to testify with reference to conversations between themselves.

If they can testify to conversations that occurred between themselves, I think it follows very simply that they should not be denied the opportunity to present in evidence the written record of telephone conversations between themselves.

I sincerely hope that the executive branch will understand the distinction I am now making. I am not talking about possible conversations, for the moment, between Mr. Adams and Mr. Stevens and people within the executive branch who are not parties to this controversy. For the moment I am referring to the conversations that took place between the principals. I think it is an important distinction, and I do hope that the executive branch will realize the simple justice of that.

I also believe, as Senator McClellan has just stated, that if we are going to handle these telephone conversations, the monitored conversations, in an orderly fashion, let's do it so there will not be any question later.

All of the testimony going into this record is under oath, and I think that these conversations, the monitored conversations, should likewise be submitted under oath. I am sure that we can expedite the proceedings, Mr. Chairman, if that is done without delay. I heartily second the motion made by Senator McClellan.

Senator MUNDT. The Chair has heard the motion made—

Senator SYMINGTON. Mr. Chairman, the distinguished senior Senator from Arkansas has given me permission to speak on this motion.

Senator MUNDT. Has the distinguished Senator from Arkansas taken over the chair now?

Senator SYMINGTON. I beg your pardon.

Senator McCLELLAN. Mr. Chairman, I certainly haven't. I don't want any implication of that. You know that isn't true.

Senator MUNDT. I was curious to know how it happened. The Chair, of course, will be happy to recognize Senator Symington.

Senator McCLELLAN. I think it was a sad use of language. I am not trying to take over. I am going to help the Chair if I can occasionally.

Senator MUNDT. I need all the help I can get.

Senator Symington.

Senator SYMINGTON. Mr. Chairman, with respect to my monitored telephone calls which the counsel for this committee has now given me and which I have read, I would like at this time to present my position.

Secretary Stevens and General Ridgway came to see me. They told me, or rather Secretary Stevens specifically told me that the action of this committee was hurting the morale of the Army in this country and all over the world. He reminded me that I was a member of the Armed Services Committee, and without getting into any details of the conversation with the Secretary of the Army, he asked for my help. I did my best to give him the best advice that I could.

The next day I find that my first monitored call was one from him in which he told me that he had been subpoenaed and asked my advice. My unfortunate problem at that time—it was the next day or 2 days later—was that I was leaving for Europe with Senator Bridges on a bipartisan investigation of our setup in Europe. Therefore, I told him that I would do my best with Senator McCarthy and the staff and the committee itself to prevent any hearing with respect to the Army until I returned in 2 weeks.

It would be possible that some of my calls might be misconstrued. I believe I called the next day from New York after reading something in the paper. That was the day I did leave for Europe. I believe it would be possible that some of my calls might be misconstrued unless they were put into the record along with the calls which were made to Mr. Stevens by Senator McCarthy and the staff.

Specifically, the reason that Secretary Stevens called me the first time was the result of a telephone conversation that he had had with Senator McCarthy, or at least that is what he told me in the call.

Now, Mr. Chairman, I have in front of me a document which I am allowed to read into the record with the approval of the chairman, and it states:

The undersigned hereby consents to the introduction in evidence of transcripts of all monitored telephone calls between Secretary of the Army Robert T. Stevens, or John G. Adams on the one hand, and Senator Joseph R. McCarthy, Roy M. Cohn, Francis P. Carr, or G. David Schine on the other hand, and transcripts of all monitored calls between the above-mentioned Stevens and Adams and members of the Senate Permanent Subcommittee on Investigations whose signatures are affixed below. This agreement becomes effective when all of the above-named principals to the controversy now before the subcommittee shall have signed this consent, and it is delivered so signed to the subcommittee counsel.

The first signature is Robert T. Stevens, as of May 25. Across from him is John McClellan, as of May 26.

Then the next line, John Adams, May 25. Across from him, Charles Potter, May 26.

The next line is Karl Mundt, May 26. Across from him Everett Dirksen, May 26.

The next line is Henry M. Jackson, May 26. On the next line is Stuart Symington, undated, although I believe I signed it the same day and just did not put in the date.

On the next line is Henry C. Dworshak, undated, although I think he signed it the same day as the other Senators.

Thank you, Mr. Chairman.

Senator MUNDT. The Chair has no desire to precipitate a long controversy in his earnestness to get his own monitored conversations into the record. If Senator McClellan feels it would be better on some other basis, to have Mr. Lucas first swear that he took them down, the Chair would have no objection to that, and if the Senator would change his motion so that we would call Mr. Lucas immediately after lunch, so we will not lose any time, if the Senator would do that, the Chair would happily defer putting in these calls until after lunch.

Senator McCLELLAN. I did not have in mind to delay the proceedings. I would like to send for him immediately; or do something about him immediately. I meant if possible that you put him on at 2 o'clock. I may say to the chairman I may have to leave at 3 o'clock and I certainly want time then to get mine into the record.

Senator MUNDT. The Chair would say if he can come sooner, we would like that.

Senator McCLELLAN. I would like to hear an expression from the counsel of the committee regarding this matter.

Senator MUNDT. If you will change the motion so that we can put him on as soon as possible; we will send for him now.

Senator McCLELLAN. All right.

Senator MCCARTHY. Mr. Chairman?

Senator MUNDT. Mr. Lucas will appear as soon as he can arrive and Mr. Cohn has stepped down.

Senator MCCARTHY. Do I hear the motion restated in its final form?

Senator MUNDT. The sense of the motion in its final form as made by Senator McClellan and seconded by Senator Jackson is that we will send for Mr. Lucas, and upon his arrival, Mr. Cohn will step down and Mr. Lucas will testify under oath that what he has given me is a true and correct copy of my monitored conversations and he will do the same for Senator McClellan if he wants him to, or anybody

else, so that they will be in proper legal form and can go into the record.

Senator McCARTHY. In other words, he will testify on any monitored calls where the party in interest requests him to testify, is that correct?

Senator MUNDT. I am going to ask him if this is the truth that he wrote down and if he says yes, I am going to read it into the record. If he says no, I am going to read it in anyhow. He gave it to me.

Senator McCLELLAN. May I say to the Senator from Wisconsin I am not at this time necessarily undertaking to settle any issue or controversy over any calls in dispute. What I am trying to do is to get those into the record that are going into the record, get them in there in legal form and under oath. If I just place my calls into the record, read them into the record, I can't cross-examine anybody about them, to make them explain or make any statement about them that might be relevant. I want the opportunity to have the man that monitored to swear that it is correct.

Senator MUNDT. The Chair would like to put the motion. If it passes, he will defer reading the calls until Mr. Lucas testifies. Those in favor of the motion, say aye; contrary no. The motion carries. I hand back the monitored calls, and yield the balance of my time.

Mr. JENKINS. Mr. Chairman, just one suggestion to expedite matters. I am addressing my remarks to Mr. Welch now, or Colonel Murray.

Will you please, Mr. Welch, either through Colonel Murray or one of your aides, have not only Mr. Lucas called to come to the caucus room immediately, but also Mr. Rhodes and Miss Pike, who I understand took one or more of these monitored telephone conversations between members of the subcommittee and Mr. Stevens? Those three we want present.

Mr. WELCH. They will be here, naturally. May I inquire, Mr. Jenkins, whether or not you have in mind putting this testimony in when those witnesses reach here or after the adjournment?

Mr. JENKINS. Mr. Welch, we have in mind having Mr. Cohn step aside—some of the Senators may not be here this afternoon—at which time Mr. Lucas will be asked to read into the record such monitored telephone calls as each Senator on this committee desires. And it has reference only to monitored telephone calls between the members of this committee and Mr. Stevens.

Mr. WELCH. Could I inquire of Senator Symington whether or not the signature of Senator McCarthy appears on the paper from which he read a few minutes ago?

Senator SYMINGTON. No, sir; it does not.

Mr. WELCH. Or Mr. Cohn?

Senator SYMINGTON. No, sir; it does not.

Mr. WELCH. Or Mr. Carr?

Senator SYMINGTON. No, sir; it does not.

I read it into the record here with the approval of the chairman as a photostatic copy of the people who are willing to have their calls made a matter of public record. I want to say at this time, if I may, that inasmuch as I am in a rather peculiar position against the other Senators, in that I am on the Armed Service Committee, and the strength and morale of the American Army along with the Army and Air Force are an important part of my functions as a Senator, I believe

it only fair, and inasmuch as Mr. Stevens came to me as a member of the Armed Services Committee and inasmuch as the first call that he made to me was based on a conversation he had just had with Senator McCarthy, I believe it is only fair that at the same time my calls go into the record, which I have now seen, the calls of the other principals, all calls, are placed into the record.

Senator MUNDT. Did you get an answer to your question, Mr. Jenkins?

Mr. JENKINS. Mr. Chairman, may I state this, Mr. Chairman: There is no binding obligation on the part of any member of this subcommittee to introduce in evidence his monitored telephone calls. I think Senator McClellan is entirely correct in his position that the legal way to introduce these calls is by the sworn testimony of Mr. Lucas. That motion has been passed. The purpose of having Mr. Lucas here now is that each individual member on the committee who desires his calls to be introduced may present his calls to Mr. Lucas and have them introduced as sworn testimony.

Senator MUNDT. That is understood. I would suggest you have Mr. Collier, of our staff, call the three people you have in mind and ask them to be here as soon as they can.

Mr. JENKINS. Mr. Chairman, we can get that accomplished a little more expeditiously, if Mr. Welch will have Mr. Murray do that. Is that being done, Mr. Welch?

Mr. WELCH. Mr. Jenkins, the absence of Colonel Murray makes me confident that he has gone to call those people. I do, however, wish to say this: If Mr. Lucas takes the stand, it will be the second time he has taken the stand in an effort to put these telephone calls in evidence. I think when he is on the stand we should settle once and for all what are going in and what are not going in, if any are not going in.

Senator MUNDT. The Chair once again, I am sorry, will have to remind Mr. Welch that the conduct of the hearings is in the hands of the committee and our counsel. We welcome your suggestion, but will have to continue to run these committee hearings on the basis of the committee determinations, Mr. Welch.

The Chair wants to get his own transcript into the record; he is going to do it, and if Mr. Lucas is here, that much is going to be accomplished whether anything else is or not.

Mr. WELCH. Mr. Chairman, I am sure you didn't think I was talking against that idea. But I did want to say one or two more words, if I may.

Senator MUNDT. You may.

Mr. WELCH. The question of the impingement of the Presidential directive on these telephone calls is a very heavy question for a lawyer sitting in my position or any lawyer sitting in this courtroom. As I recall it, Mr. Jenkins, some 2 or 3 days ago there was, I think, at least a suggestion that you consult with the Department of Justice on this point as to whether there would be any relaxation of the Presidential order if one is required, to let all these calls in.

I do not know whether I am entirely correct in that memory or not, but I think perhaps you were. In any event, may I continue, sir?

If there—as I sit here, I know of no modification of the Presidential order. The area of its impingement is something that I would prefer to be measured by wiser men with more authority than I possess. I have a view as to what it means, but I would greatly desire, television

being as wonderful as it is, that if the Presidential directive is to be interpreted by any lawyer in this courtroom when Mr. Lucas testifies that the Department of Justice send a representative over to take that responsibility.

Mr. JENKINS. Mr. Chairman.

Senator MUNDT. Mr. Jenkins, pardon me just a minute.

Mr. Welch, the Chair would like to restate his request of you if he may. One of the difficulties has been in connection with all of these monitored telephone calls; they were subpoenaed a long, long, long time ago. Long after they were subpoenaed and not delivered, the President's Executive order was issued. In the interim, we did not get the calls between Mr. Stevens and Mr. Adams and Mr. Adams and Mr. Stevens, and between General Lawton and Mr. Adams or Mr. Stevens. They never were delivered even prior to the Executive order of the President, which is a matter of some concern to members of the committee. In an effort to break this logjam, I think your suggestion about having an Attorney General's representative either here or having him communicate directly with Mr. Jenkins, is an exceedingly good one.

The Chair would like to ask you whether you think my suggestion has any merit, when I suggest that in an effort to break this logjam you be good enough to ask Mr. Adams to ask Attorney General Brownell whether he will not follow the suggestion made by Senator McClellan and by other members of the committee, Senator Jackson and by the Chair, and ask the Attorney General not to include in the Executive order these few particular phone calls so pertinent to the case.

The Chair believes if you will nudge Mr. Stevens a little, and if he will nudge Attorney General Brownell a little, maybe the combined nudging will open up this logjam and we can proceed. You have a very good mind and a nimble tongue, and I have very great respect for you as a nudger.

Mr. WELCH. Mr. Chairman, I cannot believe any nudge would equal in power the nudge that you have now delivered by saying what you have said, no doubt overheard at some point in the office of the Attorney General. Whether or not the situation that exists—

Senator MUNDT. My nudge was directed at the Office of the Secretary of the Army. And if you would nudge in that direction, I will certainly nudge as much as I can in the Office of the Attorney General.

Mr. WELCH. I am now turning to my left, where sits my trusted friend, Colonel Murray, and I am uttering the word "nudge."

Senator MUNDT. Thank you, sir.

Senator JACKSON. Mr. Chairman, before we dispose of this phone-call matter—I think it is important, too—I want to say this, that I am not convinced under existing decisions, under existing law, that consent of both parties is necessarily required in connection with the release of the telephone calls.

Now, the Supreme Court decision in 1942, *Golden v. United States*, while the Court did not pass directly on this question, in its dicta the Court said the word "intercept" as used in the Federal Communications Act, and I quote:

indicates the taking or seizure by way or before arrival at the destined place. It does not ordinarily connote the obtaining of what is to be said before or at the moment. It leaves the possession of the proposed sender after or at the moment it comes into possession of the intended receiver—

reciting certain cases. The overhearing of a conversation by one sitting in the same room is not interception under the Federal Communications Act, according to the Supreme Court in that case.

In *United States v. Sullivan*, which was a decision by Judge Holtzoff in 1953, I quote the pertinent part of it:

It could hardly have been the intention of Congress to prohibit the practice which is frequently followed for entirely legitimate purposes in which one of the parties to a telephone conversation permits another person, generally a secretary, to listen to it and to make notes of what is said. An unequivocal expression on the part of Congress to preclude a person from permitting his secretary to listen to his telephone conversations would seem to be required in order to stop this practice.

In other words, Judge Holtzoff said that under existing law it would require an act of Congress to prohibit this practice, that is, the interception by the secretary in the office. That is exactly the situation we have here.

Judge Holtzoff goes on to say:

Congress could not have intended to enact a ban on harmless recognized practices that are in the interest of accuracy and efficiency. Inasmuch as the use of decoys and the employment of artificial stratagems in the detection of crime has been approved by the Supreme Court—

quoting a decision—

it would be incongruous and untenable to say that any decoy, artifice, or stratagem may be used provided it does not involve the telephone.

I want to make this statement at this time, because this matter of introducing the telephone conversations has been kicked around since about the second day of the hearings, Mr. Chairman, and I also want to add—

Senator MUNDT. Counsel advises the Chair that he has prepared a brief, and so has Mr. Welch, and all the cases you have mentioned have been in the brief.

Subsequent to that, there has been a decision by the United States Court of Appeals, which is the highest court to have ruled on it so far, which upholds the position of Mr. Welch and Mr. Jenkins. The point has been ruled on.

Senator JACKSON. Mr. Chairman, the Sullivan case has not been overruled, to my knowledge, and I also would like to add this: We are in an entirely different situation in this proceeding. This does not involve the introduction of evidence in a courtroom or a court proceeding. This involves the introduction of monitored telephone calls in a congressional hearing.

I realize there is no specific precedent on this point, but I think the situation is entirely different in the cases that have been referred to previously.

Senator SYMINGTON. Mr. Chairman.

Senator MUNDT. Can we get on with the questioning? I wish we could have some questions of the witness. We have passed a motion on this. We are going to have Mr. Lucas testify. We are going to get the transcripts in, the ones the Members of the Senate want to have in, at least, insofar as their own conversations are concerned, this afternoon.

Mr. Symington?

Senator SYMINGTON. Mr. Chairman, suppose that Secretary Stevens—after all, I am trying to approach this thing from the stand-

point of plain, commonsense—suppose Secretary Stevens, like Governor Byrnes of South Carolina, knew shorthand and had monitored his own telephone conversations, would he be allowed to use his own monitored telephone conversations when he came before this committee and make them a part of the record?

Senator MUNDT. The Chair will say we have plenty of realistic problems here without being called upon to rule upon a purely hypothetical one. There has to be a third party before a conversation is monitored. There would be no third party there. Of course, he could report on his own notes.

Senator SYMINGTON. I think my question is far more realistic than some of the legal claptrap we have been listening to this morning.

Senator MUNDT. I am glad that the Senator from South Dakota, not being a lawyer, has not engaged in that.

Senator SYMINGTON. I am not referring to anyone in particular, but from the standpoint of commonsense, again I ask the counsel to this committee whether, if Mr. Stevens, the Secretary of the Army, knew shorthand, as we all know Governor Byrnes, of South Carolina, did, he would be allowed to introduce his own monitored telephone conversation into a hearing where his integrity was at stake, or wouldn't he?

Mr. JENKINS. Mr. Chairman, it is a great deal of pleasure to answer the question asked by Senator Symington.

Senator SYMINGTON. I thank the gentleman.

Mr. JENKINS. That, Senator Symington, would not come under the category of a monitored telephone call. A monitored telephone conversation connotes the idea that some third party is on the line.

The questions which have just been presented to this committee and which, I might say, have been renewed before this committee, I thought had long since been settled. Mr. Welch, of the Army, and I, representing this committee, conferred with respect to the legality or illegality of the introduction of monitored telephone calls in our first conversation at the Pentagon long before these hearings started. Under title 47, section 605 of the United States Code, we came to the conclusion that before monitored telephone calls could be legally introduced, the consent of the parties to that conversation must first be had and obtained.

In addition to that, Senator Symington and members of the committee, I sought and obtained the services of one of the leading law firms in the United States. That firm briefed that case for counsel for the committee. All of the cases cited by Senator Jackson this morning were in that brief.

I might say that the district court of the United States has upheld your position, Senator Jackson. I might say that a higher court, the United States Circuit Court of Appeals, has upheld the opinion given by Mr. Welch and myself and, incidentally, by counsel, for Senator McCarthy.

There certainly is no disposition on my part—and I want to make it perfectly clear—to interpose any legal objection to the introduction of these monitored telephone calls, and I am sure that reflects the sentiment of the members of this committee.

I do not want to be made a party to a violation of the law, nor do I want any member of this committee as a client of mine to become a

party to a violation of the law. I am sure that reflects the sentiments of counsel for the Army.

Personally, I wish it were possible now at this moment to introduce them and present as evidence each and every monitored telephone call, but I don't think that it is legal to do so. I am sustained by the opinion of lawyers whose opinions I value greater than my own.

I want to add this, Mr. Chairman, and then I am through. Insofar as the present pertinent inquiry is concerned, the question of the legality or illegality of the introduction of monitored telephone calls is not germane, it is moot. We are now having Mr. Lucas and his two assistants brought to this caucus room so that, pursuant to Senator McClellan's motion, such members of this committee as so desire may legally introduce in evidence the calls between themselves and the Secretary of the Army.

Senator POTTER. Mr. Chairman.

Senator JACKSON. Will you yield on this, Mr. Jenkins?

Senator MUNDT. Senator Potter?

Senator POTTER. Could we not save time——

Senator MUNDT. I hope so.

Senator POTTER. If the members of this committee who care to have their monitored telephone calls made public, could read the monitored calls into the record at this time when Mr. Lucas or members of his staff appear before the committee, they then could swear to the calls.

Senator JACKSON. They would have to reread them into the record.

Senator SYMINGTON. Mr. Chairman.

Senator MUNDT. Senator McClellan thought the other procedure would save time. I am not sure about that. But if it makes it legal I want to do it that way anyway.

Senator SYMINGTON. Mr. Chairman, I greatly respect the opinion of the distinguished counsel of this committee. I believe he will see part of my problem however in that our counsel for whom I know he has great respect, the counsel for the minority, disagrees with him. I also have an informal brief which I will get in the form of a formal brief from one of the great law firms of the United States which says in their opinion the position taken by the counsel in this case is wrong. I know he agrees with me that lawyers can disagree.

With respect to my telephone calls I want to make my position very clear. Senator McCarthy, the minute that you put your calls in, inasmuch as Secretary Stevens call to me was based on your call to him, I believe, within a matter of minutes, based on what I have now seen—at the minute that you put your calls in I would be glad to put mine in. I feel sure the Senator would not want me to put mine in——

Senator McCARTHY. Do we have both Senator Symington's and mine?

Senator SYMINGTON. I will be glad to put my calls in at the time that you and Mr. Cohn and Mr. Carr put your calls in.

Senator McCARTHY. You are qualifying it a bit now.

Senator SYMINGTON. No. I say all principals. I am a little surprised that there seems to be such a great interest on the part of you and your Republican members of this committee to get the telephone calls of the committee members as against the telephone calls of the principals.

Today, the minute that every principal in this case—Senator McCarthy, Mr. Carr, and Mr. Cohn—put their calls in, I will be very glad to put mine in at the same minute.

Senator MCCARTHY. Mr. Chairman, there is such a thing as an offer and acceptance. I am going to accept Senator Symington's original offer with the court——

Senator SYMINGTON. You were speaking for your side, and I meant all the principals. I have taken a great deal from you during these hearings, and to the best of my knowledge, I have said nothing about you in any derogatory fashion, despite some of the remarks you have made with respect to my activities. Now Senator McCarthy, you know that when one speaks of you, just like when one speaks of Mr. Stevens, one speaks of you and the two principals with you and Stevens, and the principal Adams with him. I repeat, the minute that you put your calls in and those of Mr. Cohn and Mr. Carr, I will be very glad to put my calls into the testimony.

Senator MCCARTHY. You made a point there, Stu, if you will let me accept your offer.

Senator SYMINGTON. Let's keep this on a formal basis, because this is a very fundamental matter with me.

Senator MCCARTHY. Senator Symington, you made a point there. Let me accept it, if I may. You made the statement that the reason you were holding out your call was because it was based on a call to me.

Senator SYMINGTON. I am not holding out my calls. I signed a statement saying my calls could go in, and you have not signed a statement saying your calls and those of Mr. Carr—Mr. Chairman, I think this is a colloquy where each person should be allowed to speak the truth.

Senator MUNDT. You can address the Chair. We cannot interrupt the proceeding. You know that, Senator Symington, you are a member of the parliamentary body. I think there should be some semblance of order in this hearing. Senator McCarthy will answer it. If you want to ask him to yield, you may do so.

Senator MCCARTHY. I certainly appreciate the Chair's ruling. I sat here for an hour now listening to statements, I have not interrupted anyone. And if Mr. Symington would let me finish my statement, I would be glad to. He made the statement in the record, it is clear here, I believe, that the reason he would not put in his calls was because it was based upon a call to me, and the minute I put in my calls he would put in his. He has qualified that to add other individuals. I assume that the reason is that he wants the calls by the other individuals made prior to the ones made to him. I tried to accept his original offer. If he wants the calls that were made prior to his call, by either Mr. Cohn or Mr. Carr, I am sure that I can get them to agree to have those put into the record. There is some very serious question in my mind as to whether we should put in calls having to do with the Lawton case, the attempted breaking of Lawton, unless we have the calls in about which Mr. Stevens and Mr. Adams testified the other day. I think that someone should and perhaps the Chair should do it, call the President and point out to him that these calls have all been testified to. There can be nothing sacred about them anymore. He should be urged to change his order. I may say I think the Chair might have more influence than I would have. But I would say to Senator Symington if, as he said, his call was based--

his call of February 20—was based upon a call that I made, if he says the minute that call is put in, his will be put in, I will ask counsel to go down and get those calls, No. 1. And, No. 2, Mr. Chairman, I think we should clear up the implication in Senator Symington's question, I am sure it wasn't deliberately done—he asked the question of whether or not Mr. Cohn, Mr. Carr, and I had signed the document which he drafted. I have not signed any of Senator Symington's documents.

However, I would like to make it clear at this time, if I may, that we requested the Defense Department long before Senator Symington did, to give Mr. Jenkins all of the calls by Mr. Adams, or, rather, by Mr. Cohn, Mr. Carr, myself, all of those relative to this case. Those calls have been in the possession of Mr. Jenkins weeks before Senator Symington drew up this document of his. Could I get a confirmation of that, Mr. Jenkins?

Mr. JENKINS. Senator McCarthy, what you have said conforms to my recollection.

Senator McCARTHY. I thank you.

Senator SYMINGTON. Mr. Chairman?

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Now, let's clear this matter up once and for all. Regardless of the recollection of the counsel of this committee, he knows and I know that what Senator McCarthy signed gave him a right to look at the calls and the committee members and did not give any right that the calls would be published and made a part of the record for the people to see. That is the first point that I would like to make.

The second is that the statement that I drafted this resolution is not true. The resolution was presented to me at an executive hearing, and I simply signed it along with everybody else. I don't know who drafted it. I haven't got the faintest idea. Who did draft this? Does anybody know?

Mr. WELCH. A man named J. N. Welch drafted it.

Senator SYMINGTON. All right. And I signed it. I am beginning to wonder why it is that inasmuch as I signed as long ago as the 26th of May I am beginning to wonder why it is that Senator McCarthy is so anxious to put the opprobrium on this not putting your calls in on the Democratic Senators, and why it is that he doesn't want Mr. Carr's and Mr. Cohn's telephone conversations in this record.

We have signed everything to put in everything. I will be glad to put in everything when he puts in everything. Not before and not after.

Senator McCARTHY. Mr. Chairman?

Mr. JENKINS. Mr. Chairman?

Senator MUNDT. Mr. Jenkins.

Senator McCARTHY. Could I answer that?

Senator MUNDT. Mr. Jenkins.

Mr. JENKINS. Let me clear up a matter, Mr. Chairman. I would not for the world do any injustice to any of the parties in interest or to any member of this committee. My recollection is that in the very beginning the proposition of Senator McCarthy and Mr. Cohn was that they would agree for all monitored telephone calls to be introduced into evidence provided all calls were introduced between the

parties in interest, between the members of this committee, and that they be introduced in chronological order, pursuant to that.

Senator SYMINGTON. Is that signed?

Mr. JENKINS. Senator——

Senator McCLELLAN. I made the motion.

Mr. JENKINS. Senator Symington, it perhaps is the result of a motion. I do not recall whether there is any signed agreement to that effect, but that proposition was made in an open hearing, and that proposition was confirmed in a letter to me from Mr. Cohn of 2 days ago, in which he stated, as I remember, that he and Senator McCarthy would be agreeable to the introduction of these calls provided they were all entered, that is, calls including calls between members and the executive, and including calls of certain dates which had not been given to me for inspection.

Now, pursuant to that, Senator Symington, and confirming what you have said, the calls were delivered to me some 15 or 16 calls, for the purpose of inspection and in order that I and the members of my staff might determine whether or not they were relevant to the issue.

That, to the best of my recollection, covers entirely the agreements, the propositions, and all matters pertaining to those telephone-monitored telephone-calls. Have I answered you?

Senator SYMINGTON. Mr. Counsel, I don't know whether you have answered me or not——

Mr. JENKINS. I think you are correct in your statement.

Senator SYMINGTON. That every member of this committee including the Senators, and the principals on the Army side, have signed a document which I have here, and which does not say anything about whether or not they are relevant. It simply says that all calls should be put in, and what I am beginning to wonder is why don't Mr. McCarthy and Mr. Cohn want their telephone conversations, relevant or irrelevant, that have been monitored, placed into the record.

I would put this in the record, except it is already in the record. Any time that the principals in this case want to put all their calls in, relevant or irrelevant, that have been monitored by the office of Secretary Stevens, I will be very glad to have my calls put in.

Senator MCCARTHY. Mr. Chairman.

Senator MUNDT. The Chair is going to recognize, now, Senator McCarthy, in an effort to keep some equilibrium between the parties in interest and recognize nobody else on the subject of phone calls.

Everybody has said 3 or 4 times where they stand on that. It doesn't get clearer by repetition. What the Chair is endeavoring to do is to get his own calls in without strings attached. He doesn't care, he is not involved in anything else. I am sorry I brought it up this morning instead of this afternoon.

Senator MCCARTHY. Mr. Chairman, I wish Senator McClellan would stay here. This will involve him also.

Senator McCLELLAN. I will be here. I may want to give you some advice.

Senator MCCARTHY. I will always listen. I am not sure whether I will accept it.

Mr. Chairman, the three Republicans have gone on the stand and taken the oath as to conversations they had with Mr. Stevens and Mr. Adams. Mr. Cohn has gone on the stand, he has been on the stand now for 4 or 5 days, and he has testified and has been cross-examined

regarding conversations he had in phone calls or otherwise. I understand I am scheduled to take the stand and Mr. Carr is scheduled to take the stand. We will be open to cross-examination to answer any question about phone calls. Even though the monitoring was illegal we still must answer questions on them.

I am not going to advise the Senator from Missouri, but I do think that the public here may wonder why, in view of the fact that he was not on the committee when he had the first conversations with Mr. Stevens and Mr. Adams, why, within a matter of 6 days I believe it was, he came back on the committee. Also conversations with my esteemed friend from Arkansas, Mr. McClellan, who was not on the committee.

I know we can't subpoena a Senator, but I do think that regardless of the illegality of the monitored calls—could I have your attention, Senator Symington? Senator Symington, could I have your attention?

Senator SYMINGTON. You have my attention, Senator, but at the same time these matters are matters of legal—

Senator McCARTHY. Let's not interrupt.

Senator SYMINGTON. Is it proper for me, as you talk to your counsel, for me to talk to mine? I think you will agree that is entirely fair.

Senator McCARTHY. Where was I when interrupted?

Would you read my statement back where I left off?

(The reporter read from his notes as requested.)

Senator McCARTHY. I do think, Senator Symington, in view of the importance of this, in view of the fact that we have accomplished nothing since our Democratic friends came back on the committee, I should not say "nothing," we had a few hearings, one at which you offered Annie Lee Moss a job, that we have been tied up in these hearings ever since.

You were contacted by Mr. Stevens, Mr. Adams, we know they were trying then to call a halt to the hearings. While you may not request my advice, I would strongly advise that you take the stand and take the oath the same as I am going to do, and tell us what occurred. I would like to know, for example, whether you were asked to come back on the committee, and I would like to know it under oath, the same as I will also testify under oath.

Senator SYMINGTON. Mr. Chairman, I am not going to continue the answering of misstatements of fact that Senator McCarthy has made about me today any more than I will answer the misstatements of fact that he has made previously about me in these hearings.

I just want to say this, however, that I never had any telephone calls with Mr. Stevens until some time after I came back on this committee, and it again is amazing to me that he will go to all of these actions with respect to these telephone calls when all we want to do is to get into the record the calls of Senator McCarthy, Mr. Carr, and Mr. Cohn.

We have all signed documents that we will put our calls in—I am not sure that we should have, but I am glad to do it. We are not defendants in this situation, we are judges. But I will be glad to put my calls in. I again want to bring up the fact that this whole matter can be clarified by this document right here [indicating]. And here it is, Senator. You are talking to your counsel. I think that is proper.

Here is a document. You sign it and let Mr. Carr sign it and Mr. Cohn sign it, and all the conversations will go into the record. There it is. Everybody else has signed it except you and Mr. Carr and Mr. Cohn. Sign it now and we can end the discussion.

Senator MUNDT. Senator McClellan, you have 10 minutes.

Senator McCLELLAN. I am ready to proceed when we have quiet.

Senator SYMINGTON. I think I have a right to ask, are you going to sign that document, and Mr. Carr and Mr. Cohn?

Senator MUNDT. We have to get on with this hearing.

Senator SYMINGTON. This is a pretty important matter. Are you going to sign that document or aren't you? That is my question. Are you going to sign the document or aren't you?

Now, Mr. Chairman, don't try to get anybody off the hook here. Let's get the facts.

Are you going to sign the document or aren't you? I say that to you in good spirit. If you do, and if Mr. Carr and if Mr. Cohn sign, then all the conversations will be on the record and we can proceed.

Senator McCARTHY. If you will be quiet long enough, I will answer it.

Senator SYMINGTON. I am very quiet.

Senator MUNDT. If you will be quiet, Senator McClellan may go on for 10 minutes.

Senator SYMINGTON. The Chair is always interested, in my opinion, in your position. I am interested in it, too. Are you going to sign the document or aren't you?

Senator McCARTHY. Have you finished?

Senator SYMINGTON. I don't want to go on. I want to know if Senator McCarthy and Mr. Cohn and Mr. Carr are going to sign this document. Then we will stop talking about these monitored calls and we will put them in the record and let the people see them.

Senator McCARTHY. Mr. Chairman, I know it is a waste of time to repeat. I will just take 15 seconds to do it.

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. My position is the same as it was weeks ago, and that is, I will not allow anyone to select certain calls; that if we do put in the calls, all of them must be put in, all the calls having to do with this controversy. There is no reason on earth why that should not be done. That is my position. I will sign such a document right now. I will make that agreement here on the record. That is my position today. It will remain my position as long as these hearings continue.

Senator McCLELLAN. Mr. Chairman.

Senator MUNDT. You have 10 minutes, Senator McClellan.

Senator SYMINGTON. The fact remains that the record that we have all signed is not signed by Senator McCarthy, Mr. Carr, and Mr. Cohn.

Senator MUNDT. Senator McClellan has 10 minutes.

Senator McCLELLAN. This is not out of my time, either, while the witness gets back on the stand.

Now, may I suggest I started down there not realizing the Senator from Wisconsin was going to be addressing the committee. I said I was going down there to give him a little advice, and now I will make it public.

I am going to suggest that one of the reasons why I want, particularly in addition to what I have already said, Mr. Lucas here to testify is so that we can interrogate him also as to all of the calls. Whether we get them all in the record or not, we can certainly identify those that are in dispute.

I don't want to take up all of my 10 minutes' time trying to help get these in the record. I was going to suggest to the Senator from Wisconsin that we will all undertake to identify all of the calls that were monitored, and also those that they feel this Presidential directive prohibits being introduced.

Mr. Witness, Mr. Cohn, we will return to our famous document.

Mr. COHN. Yes, sir.

Senator McCLELLAN. We will start with paragraph 22. I read from it—do you have it?

Mr. COHN. Yes, sir.

Senator McCLELLAN (reading):

Failing in his tactics—

I assume you are referring to Mr. Adams—

of having the investigation halted to help him personally—

Mr. COHN. That is right.

Senator McCLELLAN (reading):

Mr. Adams next attempted to cause the chairman and personnel of the committee to end it on the ground that it was becoming personally embarrassing to Mr. Stevens, who was a very nice man who shouldn't be hurt. Mr. Adams' attempt on this basis was supported by Mr. Stevens on November 6, 1953.

Is that true?

Mr. COHN. That is true; sir, yes.

Senator McCLELLAN. Then the attempt was made prior to November 6, 1953, was it not?

Mr. COHN. Yes, sir.

Senator McCLELLAN. You had full knowledge of it at that time?

Mr. COHN. Yes, sir.

Senator McCLELLAN. That he was attempting to get the hearings stopped, first on a personal basis as a favor to him and, failing in that, he injected as further support of his argument an attempted persuasion or intimidation, or whatever you want to term it—he further injected the situation with respect to his boss, Secretary Stevens?

Mr. COHN. Yes, sir.

Senator McCLELLAN. And tried to make the persuasion on that basis?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Which was ineffective, as you stated?

Mr. COHN. It was ineffective.

Senator McCLELLAN. But all these acts preceded November 6, 1953?

Mr. COHN. Yes, sir.

Senator McCLELLAN. By that time you had a pretty good idea of the tactics, as you refer to them here, of Mr. Adams, did you not, by that date?

Mr. COHN. I knew he was trying to get the hearings stopped.

Senator McCLELLAN. You knew that at that time?

Mr. COHN. Yes, sir. Senator McClellan, I might say this: This press release of October 19 which he wanted Senator McCarthy to issue, saying he was going to stop the hearing, came in between.

Senator McCLELLAN. Placing the interpretation on it that you did, and on his actions that you did, you were fully cognizant of them as of November 6, 1953?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Now we read the rest of that sentence:

When at a luncheon in his office, called at his request, he stated that if the facts he knew were fully developed, he would have to resign as Secretary of the Army.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Did Secretary Stevens or Mr. Adams make that statement?

Mr. COHN. Secretary Stevens made that. He has admitted on this witness stand that he made it.

Senator McCLELLAN. There it is not quite clear here who made it. You state now that Secretary Stevens made that statement?

Mr. COHN. Yes, sir, I heard him, and he has admitted on this witness stand that he did.

Senator McCLELLAN. I read the next sentence:

He made an appeal for the end of the hearings on the ground of his personal friendship with the chairman.

He was appealing to the chairman that day on the basis of personal friendship that he stop these hearings in order not to embarrass him and compel his resignation?

Mr. COHN. Yes, sir.

Senator McCLELLAN. That is your statement?

Mr. COHN. That is right.

Senator McCLELLAN (reading):

Mr. Stevens was assured that there would be no effort to embarrass him personally, but that there could be no whitewash, and that the investigation and hearings would continue.

Did that seem to please him?

Mr. COHN. Sir?

Senator McCLELLAN. Did that seem to please him, that assurance which you say was given to Mr. Stevens at that time? Or was he still unhappy about the hearings?

Mr. COHN. I would say he was still unhappy, sir.

Senator McCLELLAN. So he didn't agree to that, did he?

Mr. COHN. It wasn't a question of agreement. I felt he wanted a lot, and if he could get a little he was happy with that.

Senator McCLELLAN. He wasn't satisfied with that assurance, was he?

Mr. COHN. He wanted the hearings stopped. There is no question about that, sir. He wanted us to stop our investigation.

Senator McCLELLAN. Understand these questions I am asking you are your allegations, not that I am implying that I believe all of it or any of it or none of it. I am trying to make this record under oath.

Mr. COHN. Yes, sir.

Senator McCLELLAN. No. 23. I read from it:

As a part of the attempt to halt the committee's investigation of Communist infiltration in the Army—

Bear in mind that all of these acts as testified by you and as alleged here are attempts to stop the investigation of Communist infiltration in the Army. [Reading:]

Mr. Adams frequently and Mr. Stevens on two occasions offered up the Navy, the Air Force and the Defense Establishment proper as substitute targets.

Did he do that?

Mr. COHN. Yes, sir.

Senator McCLELLAN. In other words, he wanted you to investigate the other branches of the Military Establishment, including the branch above him?

Mr. COHN. Yes, sir.

Senator McCLELLAN. In order to get the heat off him or to get someone else to substitute as a target, to use your language?

Mr. COHN. Yes, sir.

Senator McCLELLAN. You testify that that development occurred?

Mr. COHN. I do, sir.

Senator McCLELLAN. Reading the next paragraph, "as far back as October 13, 1953," and I read from it:

On or about October 13, 1953, Mr. Adams suggested that the committee "go after" the Navy and Air Force and drop its probe of Communist infiltration in the Army.

Is that correct?

Mr. COHN. Either the 13th or the 14th, sir. On or about the 13th. I am pretty sure it was the 13th.

Senator McCLELLAN. All right. I am not trying to be exact, except to get the relative times.

Mr. COHN. I think Mr. Jenkins is familiar with that. There will be another witness who will testify to that fact.

Senator McCLELLAN. I can appreciate you might be mistaken as to the exact date, but that is relatively the correct date?

Mr. COHN. Yes, sir; and there will be another witness to testify on that.

Senator McCLELLAN. I understand.

Paragraph 25, you state that:

On or about October 21 Mr. Adams renewed his suggestion that the committee conduct an investigation of the Navy and Air Force and drop the investigation of his Department.

Is that true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. How many different times during the course of your friendly social relations with Mr. Adams did he urge you to drop the investigation of the Army, the infiltration of the Communists in it, and make the Navy and the Air Force and the Defense Department your target? How often did he do that?

Mr. COHN. Senator McClellan, I can't give you the exact number of times because I know that there were occasions when he did want us to stop and go after somebody else. I can't recall the specific occasions. I recall some which other people who will testify here do recall. We have tried to set those forth specifically. There were others in addition.

Senator McCLELLAN. Let's go then to the next paragraph, paragraph 26, and be specific again:

On or about November 6, 1953, Mr. Stevens and Mr. Adams suggested that the Navy, Air Force, and Defense Establishment proper would be appropriate objects of an investigation instead of their administration of the Army, and Mr. Adams offered to supply information about them.

Is that true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. That is true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. I will go on to the next one and then we will come back to it. [Reading:]

On or about November 14, 1953, Mr. Adams advised that in his opinion, the time was ripe for the investigation to turn to the Navy.

Is that true?

Mr. COHN. Yes, sir, it is.

Senator McCLELLAN (reading)

On or about November 17, Mr. Stevens and Mr. Adams renewed their request that the subcommittee should investigate the Navy and Air Force.

Is that true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. And I think you have the same thing in No. 29:

On or about November 30, 1953, Mr. Adams made a specific suggestion and offer of assistance in switching the committee's probe from his Department to another branch of the service.

Is that true?

Mr. COHN. Yes, sir, it is.

Senator McCLELLAN. No. 30:

On or about December 9, Mr. Adams again urged that the subcommittee begin to investigate security risks in the Air Force, and offered specific information in return for certain information he desired to use—

I guess you mean "desired to give us."

Mr. COHN. Desired from us, I think it should be, Senator.

Senator McCLELLAN. What? "From us" instead of "to us"? "Desired of us"?

Mr. COHN. It might be, "Desired from us."

Senator McCLELLAN. Which ever it is.

Mr. COHN. Yes, sir. It is our typographical error.

Senator McCLELLAN (reading):

in forestalling further investigations of his department.

Mr. COHN. Yes, sir.

Senator McCLELLAN. And 31:

As a further part of Mr. Adams attempt to impede the investigation, he sought to publish those who cooperated with the subcommittee and to silence those who were about to cooperate.

Is that true?

Mr. COHN. It is, sir.

Senator McCLELLAN. Now, let's amplify it. Tell us just what acts he did, who he attempted to punish.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Give us the whole story.

Mr. COHN. First of all, I would say, sir, the classic example—— Senator McCLELLAN. I beg your pardon?

Mr. COHN. I say, Senator McClellan, that the classic example would be Maj. Gen. Kirke B. Lawton, commanding general at Fort Monmouth.

Senator McCLELLAN. I assumed it referred to General Lawton. Go ahead and explain that and tell us any others.

Mr. COHN. Yes, sir. I don't know, sir, if you want me to repeat all of the testimony concerning General Lawton. It is detailed in the next two paragraphs.

Senator McCLELLAN. I don't care about all the details, just enough to make this record so we will know what we are talking about.

Mr. COHN. Surely, sir. As far as General Lawton was concerned, Mr. Adams was present on October 14 and heard General Lawton testify that until this committee came along, he had had no success in his efforts to get security risks, people with Communist records, out of the radar laboratories. From that point on, Mr. Adams made it very clear that General Lawton had displeased him and had likewise displeased Mr. Stevens by stating that Mr. Stevens had been derelict in performing his duty in getting these people out.

Senator McCLELLAN. They tell me my time is up. Since I want to ask you 2 or 3 other questions at this point, if you have answered now as to General Lawton—he is the principal case?

Mr. COHN. He was the principal. There were others, sir.

Senator McCLELLAN. All right. We will come back to it when I have another opportunity.

Senator MUNDT. Senator Potter?

Senator POTTER. Mr. Chairman, the questions that I wanted to ask I withheld yesterday in order to give Mr. Welch all the time that he needed for cross-examination. I will waive my time now also.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Mr. Cohn, I want to revert now, if I might, to not true-false for the moment. We will come back to that, maybe, a little later. But I would like to revert now to the document you offered in evidence from Mr. Crouch.

Mr. COHN. Yes, sir.

Senator JACKSON. You stated on page 3898—if you have that handy for him, Mr. Juliana, 3898—that this document contained information, and I quote:

about the number of Communists in the military, containing information about various things the Communists had done to get their members in the military, in radar laboratories, and explaining why it was essential for the Communists for purposes of espionage, sabotage, for the purpose of recruiting other people in the military into the party to bring about this infiltration.

Mr. COHN. Yes, sir.

Senator JACKSON. Now, I want to ask you this: Where is there any information about Communist infiltration into the radar laboratories in that statement?

Mr. COHN. Well, I know we discussed with Mr. Crouch, Senator Jackson, Communist infiltration in the Signal Corps and in the radar laboratories.

Senator JACKSON. But you were referring to the document. And I read the document. The document may be interesting from a historical standpoint.

Mr. COHN. Could I see a copy of that document, sir?

Senator JACKSON. Certainly.

Mr. COHN. It is very possible that the discussion about the Signal Corps and radar laboratories is not embodied in the document. I don't know. I have not read the document in full lately.

Senator JACKSON. I have on page 3898 your testimony on the top of the page.

Mr. COHN. Yes, sir; you read that to me.

Senator JACKSON. There was submitted to this committee—not the part—

There was submitted to this committee a somewhat detailed memorandum which I have here, sir, and will not read from—

I did read from it—

containing information about the number of Communists in the military, containing information about various things the Communists had done to get their members in the military, in radar laboratories—

You were referring to the document, and that is what threw me off.

Mr. COHN. I apologize if I threw you off, sir. I think the document starts—

There are more than a thousand Communists in the Armed Forces of the United States today prepared to carry on espionage, sabotage, and any kind of disruptive activities during all-out war between the Soviet Union and this country—

and so on and so forth.

I have not read this in detail. If you tell me—excuse me. If you tell me it does not contain specific information about Communists in the Signal Corps or radar laboratories, I am sure you are right. I know that we did get such information from Mr. Crouch. If it is not in this particular document, I am in error to that extent.

Senator JACKSON. As a matter of fact, though, Mr. Cohn, to go back to this document, because you did make considerable reference to it in your testimony—

Mr. COHN. I don't believe I did, sir.

Senator JACKSON. Well, it was offered in evidence and it is the only memoranda that we have in evidence that indicated the time when the investigation of the Army started. I thought you were offering it for that purpose and to give the committee a general background of information that you had with reference to Communist infiltration in the Army.

Mr. COHN. I think you were right the first time, Senator Jackson. I think I made it clear on the record the importance attached to that particular document was the fact that it established a date on which we had underway an investigation of Communist infiltration in the American Armed Forces.

Senator JACKSON. All right, let me ask you this: Isn't it true that going through this document of Crouch that most of it relates to his trip to Europe, I mean to the Soviet Union, in 1927 and 1928?

Senator McCARTHY. Mr. Chairman, I would like to request of the Chair time for a statement to be made by Mr. Welch.

Senator JACKSON. Is this out of my time?

Senator McCARTHY. No.

Senator JACKSON. If it is urgent, Mr. Chairman, I will yield.

Senator McCARTHY. Mr. Welch had a conference over something that I think will interest the Chair, and I would like for him to make a statement on it.

Senator MUNDT. We will take one more gamble, but I hope it does not provoke a colloquy. He may make a statement.

It will not be out of your time.

Mr. WELCH. Mr. Chairman, I have a statement I would like to say, which I will be thoughtful about as I phrase it, that will save us a good deal of time. When we started the case, I think it will be remembered that I offered a telephone conversation in evidence. Senator McCarthy then said in simple English that he would not consent to any single monitored telephone call going into evidence unless every telephone call between every party in interest and between people like Stevens and Adams on the one side, and, for example, Stevens and Lawton, to name another one, would go in. And he has consistently, I must say in fairness to him, maintained that position.

I would like to be exculpated if anybody thinks there was a purposeful delay in delivering monitored telephone calls to Mr. Jenkins. I am sure Mr. Jenkins will say that he and I were so busy with work those days that between getting them out, sorted and delivered and looked at, I am sure he will quickly say there was no plan to delay their delivery.

Would you be good enough to say that, Mr. Jenkins?

Mr. JENKINS. Mr. Welch, I now fully subscribe to that statement.

Mr. WELCH. In the course of time, while we occasionally hassled in this room about what is going to happen to the telephone calls, the President's directive was issued. Senator McCarthy, who is a lawyer, and I, and I think Mr. Jenkins, agree that that directive impinges in this area, and makes it no longer possible that every telephone call between every person can be introduced. Nobody is going to say whether they are glad or sorry or anything else. That is just a fact. That is what has happened.

Now, Mr. Chairman, if we bring Mr. Lucas up and two other people and start a hassle as to what is going to go and isn't going in, we are going to face the inescapable fact that I now present.

I think the telephone calls are at an impasse which was really not the creation of anybody at this table alone. It was an impasse that was created by a series of events and that we simply failed.

Under those circumstances, it seems to me that the only solution that is open to us, which I hope will be satisfactory to all Senators, is this: that as to any and all Senators, which includes Senator McCarthy, if they wish their telephone calls in the record, they may be offered, and nobody is going to object; and that when those telephone calls are in—meaning by that the telephone calls between the Pentagon and the various Senators—we then quit hassling about telephone calls, because for once in our lives Senator McCarthy and I are in agreement to the effect that you probably can't do any more, no matter how much you study the law, how much you talk about it; that that is the limit of what can go on in in this hearing.

Have I been fair to you, Senator? If not, I beg of you to say so.

Senator McCARTHY. I think that is a completely fair statement. Let me add this to it, if I may, Mr. Welch: The President's directive apparently prevents all calls from going in. I take the position that

unless all go in, I will consent to none going in. Therefore, I agree with Mr. Welch it would be a great waste of time to bring Mr. Lucas and other witnesses down.

I would modify my position, however, somewhat to the extent that if the other Senators all want their personal calls in, I would be glad to have my personal calls in. I think Mr. Welch has stated it very, very fairly. If I might take 10 seconds, I think in view of the fact that there is no indication at this time that the President will change his directive—I wish he would—in view of the fact that there is absolutely no indication that I will change my position, it will be just a vast waste of time to bring down witnesses to testify about the number of calls, the times, the dates, and so on.

I agree with Mr. Welch in that. May I say I think perhaps it is the first time during the hearings that Mr. Welch and I have fully agreed.

Senator MUNDT. Senator Jackson?

Senator McCLELLAN. A point of order, Mr. Chairman.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. That is the way to get the floor.

I want to disagree with both counsel for the Army and Senator McCarthy if I correctly interpret what they are saying. As to whether some calls can go in or not, whether a Presidential directive precludes them, that may be true. I am not questioning that at the moment. But I do not agree with them if they are trying to keep out of this record those calls, who they were between, and whether they were monitored or not. I want Mr. Lucas on this stand for the purposes of identifying and swearing to those calls that do go in, of the Senators and others who may agree that their monitored calls go in the record, because I want them in this record legally, first; and secondly, if Mr. Lucas takes that stand, I propose to ask him to identify all other calls, date, time, and place, relative to this controversy, and name those that he concludes or that counsel concludes are within the Presidential directive.

In other words, if pertinent testimony to this controversy is denied to this committee, I certainly want them identified and the responsibility placed where it belongs.

Maybe the President is right. I am not saying he is not.

Mr. Chairman, we have the duty to try to get all the truth that we possibly can, and if the President wants to take the responsibility, I am not necessarily implying that I disagree with him. Maybe some of them should be withheld. But I want us to know that we have gone as far as we could and gotten every bit of testimony that is pertinent.

Senator McCARTHY. Will the Senator yield to me?

Senator McCLELLAN. I gladly yield, if I may do so without losing the floor.

Senator McCARTHY. May I say Senator, that Mr. Welch and I only agreed that there were two established facts. There is nothing remotely approaching any deal. We are going to be friendly enemies, I know, during this entire hearing. We only agreed that, No. 1, there is a Presidential directive which says that certain calls which I consider pertinent cannot go in. We both recognize that. I disagree with the directive. Mr. Welch may or may not.

No. 2, the other established fact, Senator, is that unless all calls go in, I will not consent that any calls go in.

No. 3, it is the ruling of the Chair that unless there is a consent, no calls can go in.

I did make one exception, however. I said if the Senators would let their calls go in, I would be glad to have my personal calls go in, but I will not let all of the calls of my staff subsequent to the time that charges were made, self-serving calls, go in unless everything goes in.

We are just recognizing a fact now. If you think something can be gained from having Mr. Lucas identify the calls, I have no objection. Both Mr. Welch and I have felt—and we are dealing at arm's length on this—isn't that right, Mr. Welch?

Mr. WELCH. We are not dealing at all. There is no deal.

Senator McCARTHY. It is a Wisconsin expression. We are talking at arm's length. There is no deal at any time. We both felt that as long as the Presidential directive stands, as long as I take the position which I do, which I intend to continue taking, it is a waste of time to bring Mr. Lucas down—period.

Senator McCLELLAN. Mr. Chairman.

May I say this: I am not interested in a disagreement as between you and Mr. Welch. I do not address myself to you primarily as to whether or not you let your calls come in. That isn't the question. We have a duty here as a committee, and I think it is our duty, and I hope the Senator will share the effort with me, to bring in every bit of testimony it is possible to bring. If this committee sits around here and kind of weasels back and retreats from this position, certainly you are not going to be able to get any effective results from nudging.

If you want to nudge, bring it right up here to the bar and let us look at it, and then make them say, "I can't put it in." Let's get them in here and identify them so the country will know and the record will show what telephone calls that were monitored were kept out by Executive directive.

I don't know how far we can go, but we can certainly identify them. He can say under oath that "on a certain day, so-and-so talked on the telephone and I monitored that call, and it was about this matter or it had something in it relative to this controversy." Then if we cannot go beyond that, we are stymied, of course, but the record would show what is being kept from this committee and who is responsible for it.

Senator MUNDT. Senator Jackson.

Mr. Jenkins, do you want to be heard?

Mr. JENKINS. As I understand it, in order to clarify matters, Senator McClellan desires Mr. Lucas here for two purposes, and a motion has been passed requiring Mr. Lucas to be here at the earliest possible moment to legally prove the monitored calls between members of this committee and Secretary Stevens.

Such a motion has been passed. I think Senator McClellan was entirely correct that that was the legal and proper way to prove those telephone calls.

Secondly, not for the purpose of proving the context of the other monitored telephone calls, such as those that come within the ban of the Presidential directive, but for the purpose of proving that they

were monitored, which would be proof that such calls were made and, Mr. Chairman, I think Senator McClellan is entirely correct in his position with respect to that matter from the legal standpoint, and I again now, in view of Senator McClellan's position, request Mr. Welch or Colonel Murray to have Mr. Lucas and his two aides here at 2 o'clock this afternoon.

Senator MUNDT. That will be done. Senator Jackson, you have 10 minutes, the remaining part of 10 minutes.

Senator JACKSON. I understand I have about 6 minutes.

Senator MUNDT. Six minutes, all right.

Senator JACKSON. Mr. Cohn, I think we were some place with Mr. Crouch. I will try to get back to where we left off.

Mr. COHN. Surely.

Senator JACKSON. Looking over the document which Mr. Crouch submitted to the committee staff or whoever received it, isn't it true that what he is talking about occurred back in 1927 and 1928?

Mr. COHN. With all respect, Senator Jackson, I don't think you—well, what the document is is this, you have to understand this first.

Senator JACKSON. It is historical background to the tactics of the international Communist conspiracy to infiltrate the American Army and other armies.

Mr. COHN. No, sir; it is a little more than historical background. Paul Crouch happens to be the man who probably had more to do with the plans of the Communist conspiracy in this country to infiltrate the Armed Forces than anyone else.

Senator JACKSON. When did he leave the Communist Party?

Mr. COHN. My memory is he left the Communist Party after the Hitler-Stalin pact. Maybe around 1940 or 1941 or 1942. I am told by him that it was 1942 that he left.

Senator JACKSON. It would be 12 or 13 years since he left the Communist Party.

Mr. COHN. Yes, sir.

Senator JACKSON. Let me ask you this: What current information does Mr. Crouch have or did he have in 1953 on the tactics of the Communists to infiltrate the American Army?

Mr. COHN. He would have plenty, sir.

Senator JACKSON. How would he?

Mr. COHN. He would have it in this way, Senator Jackson—

Senator JACKSON. You mean he is in close touch with them since '41 or '42?

Mr. COHN. Sir, you are saying that, not me.

Senator JACKSON. I am asking you. I want to know how he would be able to offer the committee current information as to a thousand Communists in the American Army.

Mr. COHN. Yes, sir. I will be glad to tell you.

Senator JACKSON. I would like to know.

Mr. COHN. As far as Mr. Crouch is concerned, he had a key role in the Communist Party insofar as the infiltration of the American Armed Forces are concerned. He knew what they were doing, he knew the names of the people who were doing it, he knew all the personalities involved. After he left the party, he continued a close study of Communist literature, of the Daily Worker, of other Communist publications, he was in contact with other people who had detailed knowledge of the Communist movement.

Once, sir, you learn the codes, the code, so to speak, of the Communist publications and the Communist writings, and the Communist tactics, which is a word you use and which is a very proper one here, you are in a very good position to know what is going on in the Communist Party, what their line is, what their tactics are. In other words, if Mr. Paul Crouch left the Communist Party in 1942 and kept abreast of Communist literature, he would be able, much better, sir, than I could, and——

Senator JACKSON. To provide research information?

Mr. COHN. A little more than research information, sir. He could interpret the Communist line, insofar as infiltration of Armed Forces were concerned. He would be abreast of Communist policies, and Communist tactics, and Communists, by reading the Daily Worker, publications along those lines. He could tell much better than I could or someone who had not been a part of the movement, just what they were up to or just how they were trying to do it at a given time. It is something like a——

Senator JACKSON. Mr. Cohn, isn't it true that we have people in the FBI, CIA, and elsewhere, who probably keep more current than Mr. Crouch?

Mr. COHN. I don't know about CIA, sir. FBI, certainly.

Senator JACKSON. All right. The CIA is supposed to be working abroad on this problem, and the FBI within the country. You would say that there are people in the FBI who know just as much or more than Mr. Crouch about this situation?

Mr. COHN. Yes, sir, and if you would arrange for me to talk to them, it would be appreciated. We don't have access to those people.

Senator JACKSON. You don't mean to say this, do you, Mr. Cohn, that we are prohibited from talking to people in the FBI about the general conspiracy of the Communists and what they are up to?

Mr. COHN. Yes, sir.

Senator JACKSON. We are?

Mr. COHN. Yes, sir; I don't believe the FBI does have. It is the investigative branch of the Department of Justice, and I believe, sir, unless I am badly mistaken, that this committee or any committee of Congress, has no right to obtain and the FBI would have no authority to give any information, general or specific, without the direct permission of the Department of Justice in each instance.

Senator JACKSON. That may be, but Mr. Hoover has made a lot of talks, and I think he has rendered a great service to the country explaining the Communist conspiracy. I am not talking about classified documents or classified material. But I think it is general knowledge. He has testified before committees, he has made talk after talk, and I believe he has rendered a great service in explaining the conspiracy. So that information is available in general terms.

Mr. COHN. No, sir.

Senator JACKSON. Well, all right. I think I have a pretty good idea. I would be glad to read some of it into the record later if you have doubts about it, because Mr. Hoover has made talks about the nature of the Communist conspiracy and what they are up to. That doesn't involve classified information.

Mr. COHN. Senator Jackson, sir, I think I have made clear, probably by repeating it too many times just what my position is about Mr. Hoover. There is nobody in the world that I respect more highly than

I do him. He is the man above all others who has spearheaded the fight against Communist infiltration in this country. Just to finish that in one sentence, sir, if I may, the fact still remains, very unfortunately, that the FBI is not permitted to furnish to this or any other congressional committee without specific permission of the Justice Department, any information, general or specific. I wish that they were.

Senator JACKSON. Well, yes; but the Department of Justice always complies with any reasonable request.

Mr. COHN. No; they don't.

Senator JACKSON. Then, how does he make these speeches?

Mr. COHN. Well, they don't comply, sir.

Senator MUNDT. The Senator's time has expired.

Senator Dworshak?

Senator DWORSHAK. I will yield my time to Mr. Welch.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. I will yield my time to Mr. Welch.

Senator MUNDT. Senator McCarthy? Do you yield your time, too?

Senator MCCARTHY. No, Mr. Chairman.

Mr. Cohn, we have had considerable conversation here about telephone calls and, as you know, Mr. Welch and I agree that as long as the Presidential directive stood, which keeps out of the record certain all-important phone calls, that I have taken the position that I would order my staff, if I have that authority, not to allow any other telephone conversations in except my own personal conversations. May I ask you this: It is correct that you and I have discussed this matter and have agreed that it would be a good service to the country, that even though this eavesdropping is illegal, nevertheless, it having been done, the President should make it available? And that would solve this question?

Mr. COHN. Yes, sir, I think if the Presidential directive were changed, it would solve the question.

Senator MCCARTHY. Just one other brief line of inquiry. We started this the other day, Mr. Cohn. That is this question of one-man committees. You discussed yesterday the legal background for that. You pointed out that in the Christoffel case, the case of a Communist who had been convicted, that his conviction had been reversed, and set aside, not because he was not guilty, but because it was impossible to prove that there was a majority of the Senators present at all the time. I think it was pointed out yesterday that a Senator may leave for a phone call to his office or for a drink of water, or some other reason, and that for that reason there was passed a rule making one-man quorum of the committee, one man, one Senator, that is.

We have had a number of one-man hearings. I think before I ask you to describe those, we should make it clear that when either Senator Potter, Senator Mundt, Senator Dirksen, Senator Dworshak was not put on the committee at all so that is the only reason why he is not included, or otherwise he would also be connected—that when they sit alone on a committee that we can't very well blame them because it is a so-called one-man committee, that if any other Senator wants to come he has an absolute right to come, and he is entitled to come.

Is that right?

Mr. COHN. Of course, sir.

Senator McCARTHY. I wonder if you would describe the so-called one-man committees conducted by this investigating committee, unless some of the other Senators want the information we will just eliminate mine for the time being.

Mr. COHN. All right, sir.

I know that in addition to their regular work, Senator Mundt, Senator Dirksen, and Senator Potter each undertook the major role in at least one important special investigation of the subcommittee. In the case of the Government Printing Office and in the case of some Army hearings, Senator Dirksen, I remember during the summer, came back to town and developed the case in executive session and in public hearings. Senator Mundt—

Senator McCARTHY. Could I interrupt you there? If the Senators had not interrupted their vacation to come back to town and conduct these hearings, the matters that were exposed undoubtedly either would not have been exposed or the exposure would have been much delayed, is that right?

Mr. COHN. There is no doubt about it, sir. In the case of Edward Rothschild who has had access to classified and secret information in the Government Printing Office, there is no doubt in my mind that he would still be there at this minute if it were not for that work done during the summer by this committee.

Senator McCARTHY. While my 3 Republican colleagues conducted hearings, while many of us were on vacation, while they were alone, there is no question in anyone's mind that any of the other 6 Senators, if they wanted to, could have come back. I think we should make it clear here we are not criticizing the other Senators. The reason I didn't attend the so-called one-man committee of Senator Potter where I think he did an excellent job, and Senator Mundt and Senator Dirksen, was because I had absolute confidence in what they were doing. But any 1 of the other 6 of us could have cut short our vacations and come back also, could we not have?

Mr. COHN. There is no doubt about that. I mentioned the one Senator Dirksen participated in. Senator Mundt came back from South Dakota and presided at hearings showing how United States money plates had been given to Russia, the Soviet Union, with the collaboration and instigation of Communists who had infiltrated the United States Government. I know that Senator Potter—

Senator McCARTHY. Could I interrupt you? It was with the collaboration of one of the top Communists, Harry Dexter White.

Mr. COHN. Harry Dexter White was involved. I believe Silvermaster was involved. A number of top Communist spies headed by Harry Dexter White were involved in this scheme to actually physically transfer by airplane United States money plates for German occupation money to Russia.

Senator McCARTHY. So in this so-called one-man committee hearing Senator Mundt exposed that we gave away our money plates, something we had never done before, on the instigation and the collaboration of a man who appeared to be a top Communist spy, and we lost roughly how much money because of that?

Mr. COHN. I don't remember the exact figure. It was staggeringly high. It was a very high figure. I think it was \$250 million. I might be wrong on that. I know, sir, it was a known fact that money plates had been given to the Russians. It had never been established just

what had persuaded the Treasury Department and the State Department to agree on this. Senator Mundt in the course of those hearings developed the fact that decisions had been made at conferences participated in, leading to the decision by Harry Dexter White and other Communist spies.

Senator McCARTHY. When Senator Mundt, Senator Potter, and Senator Dirksen came back to hold these hearings, at which they sat as a one-man committee, they of course had no way of knowing how many Senators might be present, because the staff had notified all of the Senators; right?

Mr. COHN. That is right, sir. I know the other Senators did come in from time to time. I know that Senator——

Senator McCARTHY. If you had the type of rule that the Daily Worker is advocating day after day, that you must require that there be a certain number of Democrats and a certain number of Republicans present, keeping in mind that neither Senator Mundt nor Senator Dirksen nor Senator Potter nor myself can order anyone to be present—if that rule were in effect then, let's take Senator Mundt's investigation when he came back from South Dakota. If he had found that neither I nor any other Senators were present, it would have meant, with all the witnesses there, he would have had to cancel out his hearing and could not have held a hearing until he could have induced other Senators to be present. Is that right?

Mr. COHN. That is right, sir.

The final one in answer to your question was the investigation conducted by Senator Potter on Korean atrocities, a very important and successful investigation at which Senator Potter presided for a considerable period of time.

Senator McCARTHY. Is it correct, Mr. Cohn, that while Senator Potter did spend a great deal of time, first in the preliminary work and then in the public hearings on the Korean atrocities, and wrote a report on that showing the extremely foul situation in Korea, the bad treatment of our men over there, that work is unfinished and there is now ready for hearings the balance of Senator Potter's work, namely, the investigation of American uniformed men, some of them even from World War I, held in Communist prisons, and that work is being held up by this committee hearing? Is that correct?

Mr. COHN. Yes, sir. I believe that is one of the pending matters.

Senator McCARTHY. Just one final question, Mr. Cohn. If those who oppose congressional hearings could induce the Senate or this committee to put through a rule providing that a certain number of Senators have to be present, keeping in mind that the chairman or the acting chairman has no way of forcing Senators to be present, if such a rule could be put through, would that not be a great victory, a tremendous victory for members not only of the Communist conspiracy but anyone guilty of graft, corruption, and dishonesty who was being investigated?

Mr. COHN. Yes, sir. That would be another avenue to avoid the consequences of false testimony or contempt before the committee.

Senator McCARTHY. Is it correct that this rule providing for a 1-man quorum has evolved as a result of experience over years and years on the part of Senate committees?

Mr. COHN. Yes, sir. It is not unique to this committee. Other committees I believe have the same rule.

Senator McCARTHY. Is it correct also, Mr. Cohn, that the only time his 1-man quorum rule came under attack as far as you know was not when we were exposing crooks, corruption, and graft, but it was only when we started to expose Communists and traitors in Government? That is when all of the certain elements started their all-out attack upon this rule, hoping that in that way they could immobilize the committee.

Mr. COHN. Yes, sir.

Senator MUNDT. The Senator's time has expired. You may answer the question.

Mr. COHN. Yes, sir. The answer to that is that I think it is very noticeable to anybody who follows these things that there is always great silence when there is the possibility of the rights of people in business or labor or anything like that being investigated, but the minute Communists are being investigated, then you immediately get objections to the way the committee functions and operates. Yes, sir.

Senator MUNDT. Mr. Welch, you have 10 minutes.

Mr. WELCH. Mr. Chairman, may I inquire if anything is known about when Senator Dirksen will join us?

Senator MUNDT. Not before lunch, and we will recess for lunch at the conclusion of your 10 minutes. I think he will be here at 2 o'clock.

Mr. WELCH. I am interested because of the motion that Senator Symington made this morning, as you would understand.

Senator MUNDT. His committee meeting will be concluded during the lunch hour, and he will be here at 2 o'clock, I am sure.

Mr. WELCH. I was asking you about the addition of lawyers to your staff besides you, sir. You have assistant counsel; is that right?

Mr. COHN. Yes, sir. I believe that there are probably 2 or 3 who have the title assistant counsel.

Mr. WELCH. There are 2 or 3 lawyers, then, besides you, or more?

Mr. COHN. Let me look at the list, sir. One, two—I would say there are at least 3 or 4 who are lawyers; yes, sir.

Mr. WELCH. Can you be definite about it? I should think you could, Mr. Cohn.

Mr. COHN. I would give you a figure of five.

Mr. WELCH. Five. Do they work under your direction, sir?

Mr. COHN. Pardon me?

Mr. WELCH. They work under your direction, I assume?

Mr. COHN. They work under the direction of Senator McCarthy.

Mr. WELCH. Yes; but I mean, when it really comes to administering the offices of those lawyers, I take it you are their top boss, with a further top boss over you, the Senator?

Mr. COHN. No, sir. It doesn't go that way, Mr. Welch. There is not a clear distinction as between lawyers and investigators. Most of the boys, even though they are lawyers, will do investigative work rather than legal work. Most of the work, I would say, sir, borders on investigative work. There is not too much legal work to be done.

Mr. WELCH. Then in addition to the lawyers—five in number—how many investigators, sir?

Mr. COHN. With the explanation I have given you—

Mr. WELCH. I understand that they double in investigation and work.

Mr. COHN. The lawyers probably do a lot more investigating than legal work.

Mr. WELCH. I understand that perfectly. How many others?

Mr. COHN. I would say three who are investigators but not lawyers.

Mr. WELCH. That, of course, does not include G. David Schine, at least not now?

Mr. COHN. No; it does not.

Mr. WELCH. When he was with you, did that make four such, or not?

Mr. COHN. Back at that time, sir, yes; he certainly would have been an additional one, and there have been a lot of staff changes back and forth.

Mr. WELCH. Was your staff a staff of nine, counting lawyers and investigators, when he was with you, or not?

Mr. COHN. I don't know that, Mr. Welch. I would have to get that for you.

Mr. WELCH. One thing I do want to know is whether or not when he left, you replaced him?

Mr. COHN. No, sir; we did not.

Mr. WELCH. You did not. When you were on the stand some time ago, you were asked by someone how G. David Schine happened to join the committee.

Mr. COHN. Yes, sir.

Mr. WELCH. As I remember it, you said it was a somewhat long story, but that you were one of the men who recommended him.

Mr. COHN. That is right, sir.

Mr. WELCH. It can't be too long a story, can it? Did he apply for a job?

Mr. COHN. I am afraid it is a long story, sir, but I will be glad to tell it if you want it.

Mr. WELCH. I have some interest in it. Did he apply for the job?

Mr. COHN. Sir, it wasn't quite that way.

Mr. WELCH. He didn't make a written application?

Mr. COHN. No; he did not make—he might have filled out some forms, but he did not get the job as a result of a written application for the job which he made; no.

Mr. WELCH. Then did he make an oral application?

Mr. COHN. When you say he made an oral application, sir—there were certain discussions between him and me and other people, and it resulted—it didn't involve so much his coming with this committee. What it involved was his going with an investigation of the information program, and when it developed that this committee was going to conduct that investigation, he came over with this committee.

Mr. WELCH. All right. How soon after you joined the committee did he join it?

Mr. COHN. As I sit here, sir, it was fairly soon, 2 or 3 weeks, and that information program investigation was our first major investigation.

Mr. WELCH. Had you determined that the committee needed the services of a consultant?

Mr. COHN. It wasn't that, either, sir. I would say—

Mr. WELCH. Had you or hadn't you, sir?

Mr. COHN. I don't think I sat down and tried to think whether we needed the services of a consultant or not.

Mr. WELCH. That is what you took on, did you not?

Mr. COHN. Sir, it was more a question of this investigation.

Mr. WELCH. Can't you tell me that? You took on a consultant?

Mr. COHN. The title he was given was "consultant."

Mr. WELCH. That is right. Of course, you didn't give him a title that didn't fit him?

Mr. COHN. That might lead to the fact, sir, our titles probably don't fit us exactly.

Mr. WELCH. Your title as chief counsel certainly fits you, doesn't it?

Mr. COHN. I am afraid question has been raised about that at times.

Mr. WELCH. You are a lawyer, and you are the principal lawyer there. You don't have to be so modest. Obviously you are chief counsel, aren't you?

Mr. COHN. It is not a question of modesty, sir. If you want to add up the questions which I have asked at hearings, you might find them in the minority rather than the majority.

Mr. WELCH. You certainly—what I want to get at is this: Did you decide to hire Schine and give him a title, or were you actually looking for a consultant?

Mr. COHN. No. What we were looking for, sir, was somebody who knew something about an investigation which we were going to undertake.

Mr. WELCH. Then you wanted an investigator.

Mr. COHN. No, sir; we wanted somebody who could work on the investigation of the information program.

Mr. WELCH. Well, isn't that an investigator, sir? You just used the word. You wanted someone to look into—to make an investigation of this program?

Mr. COHN. Yes, sir. No, I didn't—

Mr. WELCH. Then what you wanted was an investigator wasn't it?

Mr. COHN. I didn't say I wanted someone to make an investigation of it. I said I wanted someone to work on the investigation.

Mr. WELCH. On the investigation?

Mr. COHN. Yes, sir.

Mr. WELCH. If you wanted someone to work on the investigation, what would you like? An investigator?

Mr. COHN. Well, sir, on our staff, you would like someone who can do about everything.

Mr. WELCH. An investigator is just exactly what you would want, isn't it?

Mr. COHN. No exactly, sir. We would want somebody who could do just about everything.

Mr. WELCH. I don't understand your use of words. You want to make an investigation, you want to get a hired man to help. Now, don't you want an investigator?

Mr. COHN. Perhaps it is my fault and not yours. I am trying to answer questions about how we got into this investigation and what Dave Schine did in connection with it, and I can't do it by these yes-or-no answers.

Mr. WELCH. It doesn't seem to be very difficult. I don't mind if you hired an investigator and called him a consultant. I want to know the truth about it. It sounds to me like you needed an investigator; is that right?

Mr. COHN. No, sir.

Mr. WELCH. What else did you need? Did you need a consultant?

Mr. COHN. We needed someone to help us develop this investigation—

Mr. WELCH. Look out. You used the word investigation again. Then you must have needed an investigator, didn't you? Isn't that easy, Mr. Cohn?

Mr. COHN. No, sir; it is not easy.

Mr. WELCH. You can't make up your mind now whether you wanted an investigator or a consultant, is that right?

Mr. COHN. Not only that, sir, I can't make—

Mr. WELCH. Is that right? You can't tell us now whether you wanted an investigator or a consultant?

Mr. COHN. I can tell you very simply what I wanted, sir.

Mr. WELCH. I think perhaps you struggled with it long enough. What was G. David Schine? An investigator, a consultant, or neither?

Mr. COHN. He was one of the people, sir, who aided us in the development of the investigation of the information program which he knew much more about than did I or anyone else on the committee or the staff.

Mr. WELCH. You mean before he came?

Mr. COHN. Yes, sir.

Mr. WELCH. What had been his experience, Mr. Cohn?

Mr. COHN. He had been making a study of the information program of the United States for a period of years, sir.

Mr. WELCH. For whom?

Mr. COHN. I think he did that, sir, because he had a great interest in it. He did it—

Mr. WELCH. I didn't ask you whether he had a great interest. He must have had an interest or he wouldn't be doing it. Who did he do it for?

Mr. COHN. I don't think he did it for anyone.

Mr. WELCH. Just himself?

Mr. COHN. Yes, sir.

Mr. WELCH. Just amusement?

Mr. COHN. I don't think he regarded it as amusement.

Mr. WELCH. He wasn't hired out to anyone to do it?

Mr. COHN. No; he wasn't hired out.

Mr. WELCH. He was just doing it?

Mr. COHN. That is right.

Mr. WELCH. And you learned that some way?

Mr. COHN. I knew about it; yes, sir.

Mr. WELCH. You knew about it?

Mr. COHN. He had drawn up some plans for possible changes in the information program, to use the medium of psychological warfare, in connection with the Communist propaganda. There had been written plans. I know he had submitted those to the State Department and to certain other agencies, and had discussed them with those agencies.

Mr. WELCH. Mr. Cohn, you thought he would be a good man to have, didn't you?

Mr. COHN. I did, sir.

Mr. WELCH. And you wanted him?

Mr. COHN. I did, sir, and I think my judgment was vindicated in what he did in that investigation.

Mr. WELCH. And you hired him?

Mr. COHN. No, sir; I didn't.

Mr. WELCH. Who did? Somebody did.

Mr. COHN. I think the chairman of the committee did.

Mr. WELCH. Why didn't you pay him?

Mr. COHN. We didn't pay him for this reason——

Mr. WELCH. You did pay him? I thought you said you did pay him.

Mr. COHN. No, sir.

Mr. WELCH. Why didn't you pay him?

Mr. COHN. I started to say we didn't pay him for this reason: He had financial means of his own. When the question came up, he said, "I don't want any money. I am glad to do the job. It is a privilege to do the job. I am glad to do it without any money." Period. And we were not going to force the money.

Mr. WELCH. Just by way of comparison, Mr. Cohn, I don't say you are so rich, but you have financial means of your own, too don't you?

Mr. COHN. Yes, sir, I do have certain financial means.

Mr. WELCH. And you take your pay about it?

Mr. COHN. I don't think that is so selfish of me.

Mr. WELCH. Did it occur to you that he would not be so subject to discipline if he were not paid as if he were paid?

Mr. COHN. No, sir.

Senator McCARTHY. Point of order, Mr. Chairman.

Could I ask the counsel from the small town, as he says, whether or not he is receiving pay or whether he is working for nothing at this time?

Mr. WELCH. You have got me there. The answer, Senator, is that I am working without pay.

Mr. COHN. My hat is off to both you and Mr. Schine, sir.

Mr. WELCH. We will score a touché for the Senator.

Senator MUNDT. The point of order is now stated in French—touché. You may continue.

Mr. WELCH. When did he come to work?

Mr. COHN. I think it was about 2 or 3 weeks after I came, sir.

Mr. WELCH. And to whom did he report for his first job?

Mr. COHN. To whom did he report? I think at the beginning, sir, there were a series of——

Mr. WELCH. No; my question is to whom did he report.

Mr. COHN. I am trying to answer it, sir. I think in the beginning there were a series of meetings between Senator McCarthy, Dave Schine, and myself. I don't think there was anybody else from the staff there at that point.

Mr. WELCH. And he got an assignment; is that right? Or assignments?

Mr. COHN. What we did at the beginning, sir, was discuss just what the general problem was and how to go about the investigation.

Mr. COHN. Did he move to Washington?

Mr. COHN. He spent—you see, the Voice of America is located in New York. He spent a lot of time in New York, and spent a lot of time in Washington.

Mr. WELCH. My question is did he move.

Mr. COHN. When he was in Washington, he lived here; when he was in New York he lived there.

Mr. WELCH. I just want to establish it. Did he keep his home in New York and come down here when he wanted to work here?

Mr. COHN. Yes, sir.

Mr. WELCH. That is what he did?

Mr. COHN. Yes, sir.

Mr. WELCH. So the answer is he did not move to Washington?

Mr. COHN. No, sir; he did not give up his New York apartment.

Mr. WELCH. Now, under whom did he go to work, under whose direction? The Senator's?

Mr. COHN. Yes, sir.

Mr. WELCH. And nobody else?

Mr. COHN. I would say that is right, sir.

Mr. WELCH. Did that continue throughout his tenure?

Mr. COHN. Well, there were changes in the situation, Mr. Welch as there were changes in the staff setup.

Mr. WELCH. Well, did somebody else start in giving him orders at some time?

Mr. COHN. It wasn't so much a question of orders, Mr. Welch. When we started out with the committee I was the chief counsel. But in addition to myself, there was another gentleman who was the general counsel. There were sort of two teams which were working separately on different investigations and different projects. There came a time when there was a change in that setup. We had a staff—a new staff director came who sort of consolidated both teams.

Senator MUNDT. The time has expired. You may conclude your answer.

Mr. COHN. I say a new staff director came who tried to consolidate both teams. He didn't stay long, and then Mr. Carr came.

Senator MUNDT. We will stand in recess until 2 o'clock.

(Whereupon, at 12:36 p. m. the committee was recessed, to reconvene at 2 p. m. the same day.)

INDEX

	Page
dams, John G.	2050-2053, 2058, 2061-2072
ir Force (United States)	2056, 2069, 2070
merican Armed Forces (Communist infiltration)	2072, 2076
ppropriations Committee (Senate)	2044
rmed Services Committee (Senate)	2054, 2056, 2057
rmv (United States)	2044, 2048, 2053, 2054, 2056, 2060, 2061, 2064, 2069-2074, 2076, 2079
rmv Signal Corps	2071, 2072
ttorney General of the United States	2051, 2058
ridges, Senator	2054
rownell, Attorney General	2051, 2058
ynes, Governor (South Carolina)	2060
arr, Francis P.	2051, 2052, 2055, 2056, 2061-2063, 2065, 2066, 2086
entral Intelligence Agency (CIA)	2077
hristoffel case	2078
IA (Central Intelligence Agency)	2077
ohn, Roy M., testimony of	2044-2086
ommittee on Appropriations (Senate)	2044
ommittee on Armed Services (Senate)	2054, 2056, 2057
ommunist conspiracy	2076, 2077
ommunist infiltration in the American Armed Forces	2072, 2076
ommunist infiltration in the Army	2069, 2072
ommunist infiltration into the radar laboratories	2071, 2072
ommunist infiltration in the Signal Corps	2071
ommunist Party	2044, 2069, 2071, 2072, 2076-2081, 2084
ommunist prisons	2080
ommunist publications	2076, 2077
ommunists	2044, 2069, 2071, 2072, 2076-2081, 2084
ommunists in the military	2071, 2072
ounselor to the Army	2050-2053, 2058, 2061-2072
court of Appeals (United States)	2059, 2060
ouch, Paul	2071, 2072, 2076, 2077
arran & Stim (New York law firm)	2046, 2047
arran, Mahoney, Cohn & Stim	2046, 2047
aily Worker	2076, 2077, 2080
efense Establishment (United States)	2069, 2070
epartment of the Army	2044, 2048, 2053, 2054, 2056, 2060, 2061, 2064, 2060-2072, 2074, 2076, 2079
epartment of Defense	2044, 2064
epartment of Justice	2044, 2047, 2057, 2077, 2078
epartment of State	2080
epartment of the Treasury	2080
rksen, Senator	2045, 2050, 2055, 2078-2081
vorshak, Senator	2045, 2055
rope	2054, 2072
ecutive directive	2075
ecutive order	2053, 2058
BI (Federal Bureau of Investigation)	2044, 2077, 2078
ederal Bureau of Investigation (FBI)	2044, 2077, 2078
ederal Communication Act	2058, 2059
rst World War	2080
rt Monmouth	2071
rman occupation money (plates to Russia)	2079
lden v. United States (Supreme Court decision)	2058
overnment Printing Office	2079

	Pa
Governor of South Carolina (Byrnes)-----	200
Hill (Capitol Hill)-----	200
Holtzoff, Judge-----	200
Holtzoff decision (1953)-----	200
Hoover, J. Edgar-----	200
Jackson, Senator-----	2044, 2055, 2058, 200
Juliana, Mr-----	200
Justice Department-----	2044, 2047, 2057, 2077, 200
Korea-----	200
Korean atrocities-----	200
Lawton, Gen. Kirke B-----	2050, 2051, 2062, 2071, 200
Lawton case-----	200
Lucas, Mr-----	2052, 2053, 2055-2059, 2061, 2073-200
Mahoney (<i>see also</i> Curran, Mahoney, Cohn & Stim)-----	200
Maner, Mr-----	200
McCarthy, Senator Joe-----	204
-----	2045, 2047-2052, 2054-2057, 2060-2069, 2072-2075, 2078-2081, 200
McClellan, Senator-----	2051, 2061, 2065, 200
McClellan motion-----	2051, 200
Military Establishment (United States)-----	200
Money plates (given to Russia)-----	200
Monitored phone calls-----	2050-2067, 2073, 2075, 200
Moss, Annie Lee-----	200
Mundt, Senator-----	2079, 200
Murray, Colonel-----	2056, 200
National Guard-----	200
Navy (United States)-----	2069, 200
New York City-----	2046-2048, 2054, 2085, 200
New York office (Cohn)-----	200
New York office (Schine)-----	200
Occupation money plates to Russia (German)-----	200
Pentagon-----	200
Pike, Miss-----	200
Potter, Senator-----	2045, 2055, 2078-200
President of the United States--	2050, 2053, 2057, 2058, 2062, 2067, 2073-2075, 200
Presidential directive-----	2050, 2053, 2057, 2058, 2067, 2073-200
President's Executive order-----	200
Radar laboratories (Communist infiltration)-----	2072, 200
Rhodes, Mr-----	200
Ridgway, General-----	200
Rothschild, Edward-----	200
Russia-----	200
Schine, G. David-----	2048, 2049, 2055, 2082-200
Schine hotel chain office-----	200
Schine's New York apartment-----	200
Secretary of the Army-----	2050, 2051, 2053-2062, 2064, 2065, 2067-200
Senate Committee on Appropriations-----	200
Senate Committee on Armed Services-----	2054, 2056, 200
Senate of the United States-----	2044, 200
Signal Corps (U. S. Army)-----	2071, 200
Silvermaster-----	200
Soviet Union-----	2072, 200
State Department-----	200
Stevens, Robert T-----	2050, 2051, 2053-2062, 2064, 2065, 2067-200
Stim (<i>see also</i> Curran, Mahoney, Cohn & Stim)-----	200
Sullivan (<i>see also</i> <i>United States v. Sullivan</i>)-----	200
Sullivan case (1953)-----	200
Supreme Court decision (<i>Golden v. United States</i>)-----	200
Supreme Court of the United States-----	2058, 200
Symington, Senator-----	2055, 200
Title 47, section 605 (United States Code)-----	200
Transfer of money plates to Russia-----	200
Treasury Department-----	200
United States Air Force-----	2056, 2069, 200
United States Army-----	200
-----	2048, 2053, 2054, 2056, 2060, 2061, 2064, 2069-2072, 2074, 2076, 200
United States Army Signal Corps-----	2071, 200
United States Attorney General-----	2051, 200

	Page
United States Code (title 47, sec. 605)	2060
United States Court of Appeals	2059, 2060
United States Defense Establishment	2069, 2070
United States Department of Defense	2044, 2064
United States Department of Justice	2044, 2047, 2057, 2077, 2078
United States Department of State	2080
United States Military Establishment	2069
United States money plates to Russia	2079
United States Navy	2069, 2070
United States President	2050, 2053, 2057, 2058, 2062, 2067, 2073-2075, 2078
United States Senate	2044, 2059
<i>United States v. Sullivan</i> (decision by Holtzoff)	2059
United States Supreme Court	2058, 2059
United States Treasury Department	2080
Voice of America	2085
Washington, D. C.	2046, 2085, 2086
West Point	2045
White, Harry Dexter	2079
World War I	2080



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